

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

January 16, 2004

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

The Honorable Tom Brian, Chairperson
Washington County Board of Commissioners
155 N First Ave Ste 300
Hillsboro Oregon 97124

Re: Vacancy in Senate District 4

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

Effective December 31, 2003, there is a vacancy in Representative District 35 due to the resignation of State Representative Max Williams.

Pursuant to ORS 171.060(1) and OAR 165-010-0060, you are hereby notified of the vacancy. The Republican Party precinct committee persons of Representative District 35 met on **Thursday, January 15, 2004**, to choose nominees to fill the vacancy. The nominees chosen are:

1. David Crowe
2. Dimitri Fernando Guillen
3. Philip R. Yount

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 Representative District 35.

The time and location of the meeting are as follows:

Time: 9:00 a.m.
Date: Wednesday, January 28, 2004
Place: Town Hall Room
Tigard City Hall
13125 SW Hall Blvd
Tigard, Oregon 97223

The total number of registered electors in Representative District 35 as of 5:00 p.m. on December 31, 2003, is 46,949 in Multnomah County and 18,051 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:	2,267 or 2 votes divided by 5 = .4 votes per commissioner
Washington County:	28,899 or 29 votes divided by 5 = 5.8 votes per commissioner

County Commissioners
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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.

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 black ink that reads "Margie Franz". The signature is fluid and cursive, with a large loop at the end of the last name.

Margie Franz
Compliance Specialist
Enclosures

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

Brenda Bayes

Rules Coordinator

141 State Capitol, Salem, OR 97310-0722

Address

Chapter 165

Administrative Rules Chapter Number

(503)986-1518

Telephone

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.

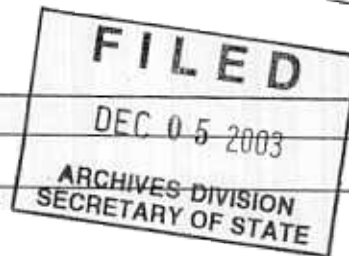
AMEND: 165-010-0005, 165-010-0060, 165-010-0080, 165-010-0090

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 1st 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 15th 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

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

WHEREAS, pursuant to state law, the Republican 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 January 28, 2004;
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 28th day of January, 2004.

By: _____
Diane Linn, Chairperson
Multnomah County

Tom Brian, Chair
Washington County

Maria Rojo de Steffey, Commissioner
Multnomah County

Dick Schouten, Commissioner
Washington County

Serena Cruz, Commissioner
Multnomah County

John Leeper, Commissioner
Washington County

Lisa Naito, Commissioner
Multnomah County

Roy R. Rogers
Washington County

Lonnie Roberts, Commissioner
Multnomah County

Andy Duyck
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 January 28, 2004:

Multnomah County
Board of Commissioners

Nominee

Diane Linn,
Chairperson

Maria Rojo de Steffey,
Commissioner

Serena Cruz,
Commissioner

Lisa Naito,
Commissioner

Lonnie Roberts,
Commissioner

Washington County
Board of Commissioners

Tom Brian,
Commissioner

Dick Schouten,
Commissioner

John Leeper,
Commissioner

Roy R. Rogers,
Commissioner

Andy Duyck,
Commissioner
