

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule adopted on August 23, 2011 by the

Secretary of State, Elections Division  
Agency and Division

Chapter 165  
Administrative Rules Chapter Number

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to become effective August 23, 2011 through February 22, 2012

**RULEMAKING CAPTION**

**TIMELINES AND PROCEDURES TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS, 1<sup>ST</sup> DISTRICT**

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT: 165-007-2012**

**AMEND:**

**SUSPEND:**

Stat. Auth.: ORS 246.150

Other Authority:

Stats. Implemented: ORS 188.120

**RULE SUMMARY**

This rule adopts timelines and procedures necessary to conduct a special primary election and special election to fill a vacancy in the office of Representative in Congress, First District. This rule also adopts necessary timelines to produce a state voters' pamphlet for the special primary election and special election.

  
Authorized Signer and Date

August 23, 2011

Brenda Bayes

Printed Name

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

ELECTIONS DIVISION  
SECRETARY OF STATE  
STATEMENT OF NEED AND JUSTIFICATION

In the Matter of the adoption of ) Statutory Authority, Statutes  
OAR 165-007-2012, timelines and procedures ) Implemented, Statement of Need,  
to fill a vacancy in the office of Representative ) Principal Documents Relied Upon,  
in Congress, 1<sup>st</sup> District and Justification for Temporary Rule

**Rule Caption:** (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.) **TIMELINES AND PROCEDURES TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS, 1<sup>ST</sup> DISTRICT**

**Statutory Authority:** ORS 246.150

**Statutes Implemented:** ORS 188.120

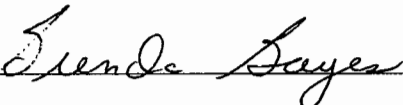
**Need for the Temporary Rule:** There exists a vacancy in the office of Representative in Congress, 1<sup>st</sup> District. The Governor has set the date of the Special Primary Election as November 8, 2011, and the date of the Special Election as January 31, 2012. The Secretary of State is responsible for maintaining uniformity in the operation of the election laws. In order to provide the timelines and procedures for conducting these elections the Secretary is adopting these rules.

**Documents Relied Upon, and where they are available:** Governor Kitzhaber press release dated August 3, 2011, located at [http://governor.oregon.gov/Gov/media\\_room/press\\_releases/p2011/press\\_080311b.shtml](http://governor.oregon.gov/Gov/media_room/press_releases/p2011/press_080311b.shtml)

**Justification of Temporary Rule:** The compressed timeframe for the special primary election and the special election make it necessary to adopt the timelines and procedures by temporary rule. There is not sufficient time to adopt this rule through permanent rulemaking procedures. Additionally a permanent rule is not necessary because the timelines and procedures are only needed through February 22, 2012. Failure to adopt this temporary rule would prejudice the public interest because the rule is necessary for the orderly conduct of the special election.

Dated: August 23, 2011

OREGON ELECTIONS DIVISION

By:   
Authorized Signer

## **165-007-2012**

### **Timelines for the Special Primary and Special Election to Fill a Vacancy in the Office of Representative in Congress, 1<sup>st</sup> District**

(1) This rule adopts necessary timelines and procedures for the Secretary of State and county elections officials to conduct a special primary election and special election to fill the vacancy in the office of Representative in Congress, First District. This rule also adopts necessary timelines to produce a state voters' pamphlet for the special primary election and special election.

(2) When a document is to be filed with the Secretary of State, Elections Division under this rule, the document must be delivered to and actually received, in its entirety, in the office of the Secretary of State, Elections Division not later than 5:00 p.m. on the designated filing deadline date.

(3) The following timeline is adopted for a special primary election on November 8, 2011, as called by the Governor under ORS 188.120:

(a) August 15, 2011: Last day for major party political party to certify names of nominees to Secretary of State as required by ORS 188.120. Nominees must file a completed SEL 101, Filing of Candidacy for Major Political Party, no later than 5pm certifying that they have been a member of the indicated major political party for at least 180 days prior to the filing deadline.

(b) August 30, 2011: Last day for filing or withdrawing candidate statements for the state voters' pamphlet for the special primary election. Those candidates who choose to submit signatures by petition in lieu of paying the fee for printing a voters' pamphlet statement must have the signatures verified by the appropriate county election official before submitting them to the Secretary of State.

(c) September 1, 2011: Last day for Secretary of State to complete random ordering of alphabet to determine placement of candidate names on special primary election ballot and to notify County Clerks of the random alphabet.

(d) September 8, 2011: Last day for Secretary of State to file with county clerks a statement of candidates for placement on special primary election ballot.

(e) September 24, 2011: Last day for county election officials to mail ballots to long term absent electors (overseas and military).

(f) October 18, 2011: Last day to register to vote or to change party affiliation for special primary election. Registration cards that are postmarked by this date or submitted online no later than 11:59 pm are valid registrations for the special primary election.

(g) October 21, 2011 thru October 25, 2011: County election officials mail ballots to electors other than long-term and out-of-state absent electors.

(h) October 25, 2011: Last day to distribute state voters' pamphlet.

(i) November 28, 2011: Last day for county clerk to prepare and deliver abstracts to the Secretary of State.

(j) November 30, 2011: Last day for Secretary of State to canvass votes, prepare register of nominations and deliver certificates of nomination.

(3) The following timeline is adopted for a special election on January 31, 2012, as called by the Governor under ORS 188.120:

(a) December 1, 2011:

(A) Last day for nonaffiliated or minor political party candidates to file certificates of nomination for the special election.

(B) Last day for candidates nominated by more than one political party to notify the Secretary of State of which nominations they choose to have printed on the ballot.

(C) Last day for Secretary of State to complete random ordering of alphabet to determine placement of candidate names on special election ballot.

- (D) Last day for Secretary of State to file with county clerks a statement of candidates for placement on special election ballot.
- (b) December 5, 2011 Last day for filing or withdrawing candidate statements for the state voters' pamphlet for the special election. Those candidates who choose to submit signatures by petition in lieu of paying the fee for printing a voters' pamphlet statement must have the signatures verified by the appropriate county election official before submitting them to the Secretary of State.
- (c) December 17, 2011: Last day for county election officials to mail ballots to long term absent electors (overseas and military).
- (d) January 10, 2012: Last day to register to vote for special election. Registration cards that are postmarked by this date or submitted online no later than 11:59 pm are valid registrations for the special election.
- (e) January 13, 2012 to January 17, 2012: County election officials mail ballots to electors other than long-term and out-of-state absent electors.
- (f) January 17, 2012: Last day to distribute state voters' pamphlet to each post office mailing address in Oregon.
- (g) February 17, 2012: Last day for county clerk to prepare and deliver abstracts to the Secretary of State.
- (h) February 21, 2012: Last day for Secretary of State to canvass votes, prepare register of nominations and deliver certificates of nomination.
- (4) The following process is adopted for administering the cross nomination process set forth in ORS 254.135 and OAR 165-007-0320 for the January 31, 2012 special election only. OAR 165-007-0320 does not apply to this unique situation because it only applies to general elections, and not to special elections.
- (a) The unique circumstances of this special election in the 1<sup>st</sup> Congressional District will allow each county to print the abbreviated name of each party who nominates a candidate beneath the name of the candidate. The abbreviated party names that will be printed on the ballot and in the voters' pamphlet for this January 31, 2012 special election are:

Constitution Party  
Democratic Party  
Independent Party  
Libertarian Party  
Nonaffiliated  
Pacific Green Party  
Progressive Party  
Republican Party  
Working Families Party

(b) Because there will only be one contest on the ballot, no county will be at risk of running over to a second ballot card due to their printing of abbreviated party names beneath the candidate name. Since abbreviated party names will be printed on the ballot and in the voters' pamphlet the key required by OAR 165-007-0320 will not be required.