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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**ELECT 8-2020**  
CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**  
07/10/2020 8:46 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopts Filing Deadlines to Fill Vacancy - Judge of the Circuit Court, District 2, Position 6

EFFECTIVE DATE: 07/10/2020 THROUGH 11/03/2020

AGENCY APPROVED DATE: 07/09/2020

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**NEED FOR THE RULE(S):**

A vacancy in the office of Judge of the Circuit Court, District 2, Position 6 will occur after the 80th day before the 2020 General Election and before the 62nd day before the 2020 General Election. The vacancy in office will be filled at the November 3, 2020 General Election. This rule sets the deadline for a candidate to file a nominating petition or declaration of candidacy, and a voters' pamphlet statement with the Secretary of State.

**JUSTIFICATION OF TEMPORARY FILING:**

The Elections Division finds that following permanent rulemaking procedures would result in serious prejudice to the public interest as the vacancy must be filled at the November 3, 2020, General Election. There is not sufficient time to adopt this rule by regular rulemaking procedures.

The specific consequences and why those consequences would result in serious prejudice are as follows. If there is no schedule set, the Secretary would not have authority to accept the nominating petition(s) or declaration(s) of candidacy. If no nominations were accepted, the election of this office would be severely impacted. Candidates would have to work on a write-in campaign which would be costly for the candidates and the county(ies) to administer the election. Candidates for the office would suffer serious consequences. The electorate would suffer because there would be no opportunity to have a campaign in the general format expected for a general election and there would not be the benefit of voter statements to inform the voters because there would be no candidates printed on the ballot and no opportunity to receive information in the voters' pamphlet. Failure to act immediately would result in these consequences. Without a schedule, the public is left without direction. Temporary rulemaking will avoid or mitigate these actions because the temporary rule sets the schedule and provides an avenue for parties and individuals to select a nominee.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

OAR 165-010-0110, available on the State Archives website; Letter of Resignation signed by Judge Maurice K Merten, dated June 16, 2020, available from the Elections Division.

ADOPT: 165-010-1111

RULE TITLE: Filing Deadlines for Filling Vacancy in the Nonpartisan Office of Judge of the Circuit Court, District 2, Position 6

RULE SUMMARY: A vacancy in the office of Judge of the Circuit Court, District 2, Position 6, will occur after the 80th day before the 2020 General Election and before the 62nd day before the 2020 General Election. The vacancy in office will be filled at the November 3, 2020 General Election. This rule sets the deadline for a candidate to file a nominating petition or declaration of candidacy with the Secretary of State.

RULE TEXT:

(1) The purpose of this rule is to adopt the deadline to accept nominating petitions or declarations of candidacy when a vacancy occurs in the office of Judge of the Circuit Court, District 2, Position 6, after the 80th day but on or before the 62nd day before the November 3, 2020, General Election.

(2) The last day to file a nominating petition or declaration of candidacy is no later than 5pm on August 25, 2020.

(3) The last day to file documentation to appear in the voters' pamphlet is no later than 5pm on August 25, 2020.

STATUTORY/OTHER AUTHORITY: ORS 246.150, 249.205

STATUTES/OTHER IMPLEMENTED: ORS 249.205