

OFFICE OF THE SECRETARY OF STATE

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

**ELECT 17-2024**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

09/03/2024 10:26 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopts a Deadline for Constitution Party to Fill a Vacancy in Nomination

EFFECTIVE DATE: 09/03/2024 THROUGH 11/05/2024

AGENCY APPROVED DATE: 09/03/2024

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Filed By:  
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Rules Coordinator

NEED FOR THE RULE(S):

A vacancy in nomination made by Minor Political Party in the office of US Representative, District 5 occurred after the 80th day before the 2024 General Election and before the 62nd day before the 2024 General Election. The vacancy in nomination will be filled at the November 5, 2024, General Election. This rule sets the deadline for the Constitution Party to file a certificate of nomination 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 5, 2024, 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 certificate of nomination. 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:

Withdrawal form signed by the candidate, dated August 29, 2024, available from the Elections Division.

ADOPT: 165-010-1112

RULE TITLE: Filing Deadline for Constitution Party to Fill a Vacancy in Nomination made by a Minor Political Party for the office of US Representative, District 5

RULE SUMMARY: A vacancy in nomination made by Minor Political Party in the office of US Representative, District 5, occurred after the 80th day before the 2024 General Election and before the 62nd day before the 2024 General Election. The vacancy in nomination will be filled at the November 5, 2024, General Election. This rule sets the deadline for the Constitution Party to file a certificate of nomination with the Secretary of State.

RULE TEXT:

(1) The purpose of this rule is to specify the period following a vacancy within which a minor political party must notify the filing officer of the name of the new nominee.

(2) The Secretary of State hereby specifies that the deadline for notifying the filing officer of the name of the new nominee is September 5, 2024, by 12:00 PM.

STATUTORY/OTHER AUTHORITY: ORS 246.150, ORS 249.842

STATUTES/OTHER IMPLEMENTED: ORS 246.150, ORS 249.842