

OFFICE OF THE SECRETARY OF STATE

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

**ELECT 18-2024**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

09/04/2024 9:11 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopts Filing Deadlines to Fill Vacancy - Judge of the Circuit Court, District 4, Position 38

EFFECTIVE DATE: 09/04/2024 THROUGH 11/05/2024

AGENCY APPROVED DATE: 09/04/2024

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Filed By:  
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Rules Coordinator

NEED FOR THE RULE(S):

A vacancy in the office of Judge of the Circuit Court, District 4, Position 38 occurred after the 80th day before the 2024 General Election and before the 62nd day before the 2024 General Election to be held during the term of office, which commenced on August 22, 2024. The vacancy in office will be filled at the November 5, 2024, General Election. This rule sets the deadline for a candidate to file a declaration of candidacy.

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 declaration(s) of candidacy. If no declarations 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. 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 Amy Baggio, dated August 23, 2024, available from the Elections Division.

ADOPT: 165-010-1113

RULE TITLE: Filing Deadlines for Filling Vacancy in the Nonpartisan Office of Judge of the Circuit Court, District 4, Position 38

RULE SUMMARY: A vacancy in the office of Judge of the Circuit Court, District 4, Position 38, occurred after the 80th day before the 2024 General Election and before the 62nd day before the 2024 General Election to be held during the term of office which commenced on August 22, 2024. The vacancy in office will be filled at the November 5, 2024, General Election. This rule sets the deadline for a candidate to file a declaration of candidacy with the Secretary of State.

RULE TEXT:

(1) The purpose of this rule is to adopt the deadline to accept declarations of candidacy when a vacancy occurs in the office of Judge of the Circuit Court, District 4, Position 38, after the 80th day but on or before the 62nd day before the November 5, 2024, General Election.

(2) The last day to file a declaration of candidacy is no later than 12:00 pm on September 5, 2024.

STATUTORY/OTHER AUTHORITY: ORS 246.150, ORS 249.205

STATUTES/OTHER IMPLEMENTED: ORS 249.205