

MULTNOMAH COUNTY
TIM SCOTT
DIRECTOR OF ELECTIONS



ELECTIONS DIVISION
1040 SE MORRISON ST
PORTLAND, OR 97214
(503) 988-3720
WWW.MCELECTIONS.ORG

April 18, 2012

Seth Alan Woolley
3403 NE Stanton St
Portland, OR 97212-2744

Mr. Woolley,

I have reviewed your letter of April 17, 2012, in which you request an investigation by my office into the validity of Charles Hales' voter registration. Of the questions you have raised there are two that I believe I am legally obligated to address. First is whether or not Charles Hales is currently qualified to be a registered voter in Multnomah County, Oregon based on residency requirements set forth in ORS 247.035 (3). Second, whether or not Charles Hales was qualified to be a registered voter and vote in Oregon when he lived in Washington State based on ORS 247.035 (1) and (2).

To address the issue of Mr. Hales' current residency, ORS 247.035 (3) states:

An elections official may consider, but is not limited to considering, the following factors in determining residency of a person for voter registration purposes:

- (a) Where the person receives personal mail;**
 - (b) Where the person is licensed to drive;**
 - (c) Where the person registers motor vehicles for personal use;**
 - (d) Where any immediate family members of the person reside;**
 - (e) The address from which the person pays for utility services; and**
 - (f) The address from which the person files any federal or state income tax returns.**
- [Formerly 250.410; 1995 c.214 §1]**

On Wednesday, April 18, 2012, I spoke with Mr. Hales. He stated that he considers his current residence to be 7136 SE 27th Ave, Portland. This is the same address that is listed on his current voter registration card. He stated that this is where he receives mail. He also stated that this is the address shown on his Oregon driver's license and where his and his wife's cars are registered, which I have confirmed with Oregon Department of Motor Vehicles. Finally, this is the address where his wife lives, and the address from which he files federal and state income tax returns.

I believe that Mr. Hales has met the burden of residency for the purposes of voter registration.

To address the second question of whether Charles Hales was eligible to be registered to vote in Multnomah County when he lived in Washington State, ORS 247.035 (1) (a) states:

The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person intends to return.

In the same interview of April 18, 2012, I asked Mr. Hales if, during the time he lived in Washington State, he considered his Oregon residence address the place to which his habitation was fixed, and whether or not he intended to return. He said that during that time he considered himself to be temporarily away and that he always intended to return to his Oregon residence.

Additionally, ORS 247.035 (2) states:

Notwithstanding subsection (1) of this section, a person who has left the place of the person's residence for a temporary purpose only, who has not established another residence for voter registration purposes and who does not have a place in which habitation is fixed shall not be considered to have changed or lost residence. The person may register at the address of the place the person's residence was located before the person left.

Mr. Hales stated that he had never been registered to vote in the State of Washington, and I was able to confirm with the Washington Secretary of State's Office that Mr. Hales has never been registered to vote in the State of Washington.

Based on Mr. Hales' answer that he considered himself to be temporarily away from Oregon and that the Washington Secretary of State's office confirmed that he has never been registered to vote in Washington State, I have concluded that, based upon the statutes cited above, Mr. Hales was eligible to be registered to vote and to vote in Oregon during the time he lived in Washington State.

Please let me know if you have any questions concerning the information contained herein.

Sincerely,

A handwritten signature in black ink that reads "Tim Scott". The signature is written in a cursive, flowing style.

Tim Scott, Director
Multnomah County Elections

CC: Charles Hales, Candidate for City of Portland Mayor
Stephen Trout, Oregon State Directory of Elections
LaVonne Griffin-Valade, City of Portland Auditor
Jacquie Weber, Deputy Multnomah County Attorney