

**SECRETARY OF STATE FOR THE STATE OF OREGON**

**In the matter of:  
Alleged Unlawful Voting, Unlawful Voter  
Registration, and False Swearings by  
Charles Hales**

**COMPLAINT**

Complainant alleges that Charles Hales, who states his current residence as 7136 S.E. 27th Avenue, Portland, Oregon:

1. unlawfully voted in Oregon several times since the beginning of 2004;
2. unlawfully registered to vote in Oregon in 2008;
3. made false swearings on his voter registration card filed on March 18, 2008;
4. made false swearings in signing each of his vote-by-mail envelopes submitted in Oregon since the beginning of 2004; and
5. violated Portland City Code § 2.08.050 and Portland City Charter § 2-202 and is not legally qualified to be a candidate for Mayor of Portland or to serve in that office.

This Complaint is based upon facts reported in Oregon newspapers over the past year. Most of these violations of law stem from the apparent fact, reported by those newspapers, that Charles Hales for the years 2004 through 2009 filed Oregon nonresident income tax returns, each of which stated that his residence address was in Stevenson, Washington (and not in Oregon) for the entire year.

A person who files an Oregon nonresident income tax return is required by law to swear that he is not a "resident" of Oregon. Oregon law defines "resident of this state" for income tax purposes as "An individual who is domiciled in this state." Oregon tax regulations define "domicile" as "the place an individual considers to be the individual's true, fixed, permanent home." Thus, Charles Hales swore to the State of Oregon on his 2004-09 income tax returns that his "true, fixed, permanent home" during all of those years was not in Oregon.

Because he stated that his "true, fixed, permanent home" was not in Oregon, Charles Hales was not qualified to vote in Oregon elections during 2004-09, was not qualified to register to vote in Oregon in 2008, was not qualified to become a candidate for Mayor of Portland in 2011, and is not legally qualified to serve in any elected office of the City of Portland.

In addition, his statement on his 2008 voter registration card that he resided at 7136 S.E. 27th Avenue, Portland, Oregon, appears to be a false swearing, because for 2008 and 2009 he continued to assert to the State of Oregon that his residence and domicile (his "true, fixed, permanent home") were in Washington. Also, his signature on his vote-by-mail envelopes submitted to Oregon elections authorities since the beginning of 2004 appear to constitute false swearings that he was legally qualified to vote in the county that issued the ballots. His signature on his vote-by-mail envelopes submitted to Oregon elections authorities prior to March 18, 2008, appear to be additional false swearings that he still lived at the address where he was registered to vote, an address on Hayden Island.

Complainant alleges:

1. The Secretary of State has jurisdiction to consider this Complaint pursuant to ORS 260.345.
2. Complainant Seth Alan Woolley is an elector of Oregon who resides at 3403 N.E. Stanton Street in Portland, Oregon.
3. Charles Hales resigned his position as an elected Portland City Commissioner in April 2002.
4. THE OREGONIAN reported on June 27, 2011 (attached):

"From 2004 to 2009, Hales and his wife, Nancy, claimed residency in Stevenson, Wash. They filed tax returns claiming their home in Washington -- which, unlike Oregon, has no personal income tax.

At the same time, Hales kept voting in Oregon elections."

5. WILLAMETTE WEEK reported on April 11, 2012 (attached):

Between 2004 and 2009, Hales told Oregon tax officials that Stevenson, Wash., was his residence.

6. WILLAMETTE WEEK on June 27, 2011 (attached) reported receiving email from Charles Hales, stating (emphasis added):

After our marriage, Nancy and I lived in her home in Stevenson and in our condo on Hayden Island. Starting in 2004 and until 2009, we filed our joint federal and Oregon tax returns as residents of Washington.

7. WILLAMETTE WEEK reported on April 4, 2012 (attached) that Charles Hales continued to file his income tax returns for the year 2009 as a resident of Washington:

As *WW* first reported last summer, Hales created a problem for himself (and saved some money) by claiming Washington residency for tax purposes in 2008 and 2009. Unlike Oregon, which has one of the nation's highest income tax rates, Washington does not levy income taxes. \* \* \*

The tax returns [2008-2010] he provided *WW* show that Hales saved him about \$30,000 in Oregon income taxes for the two years he claimed Washington residency.

8. Charles Hales remained registered to vote in Oregon at an address on Hayden Island until March 18, 2008. On that date, he filed a form to register to vote as a resident of Oregon residing at 7136 S.E. 27th Avenue in Portland.
9. THE OREGONIAN reported on June 27, 2011 (attached):

During that time [2004-09], he claimed residency in Stevenson [WA], where his second wife owned a home, which meant salary earned outside Oregon was not taxable. But he voted in 15 of 19 Multnomah County elections, listing a condominium on Hayden Island as his residence in October 2002 and changing it in March 2008 to the Eastmoreland home he purchased a year earlier.
10. Charles Hales since March 18, 2008, has not filed another Oregon voter registration card.

### **ALLEGED VIOLATIONS OF STATE LAW**

**VIOLATION NO. 1: Charles Hales unlawfully voted in Oregon, several times, during the years 2004 through 2009.**

**A. Charles Hales voted repeatedly in Oregon during 2004-09.**

As indicated by the recitation above, THE OREGONIAN on June 17, 2011, reported that Charles Hales voted in 15 of 19 Multnomah County elections during the 2004-09 period.

**B. Charles Hales repeatedly swore to the State of Oregon that his domicile and residence during 2004-09 were not in Oregon.**

The recitation above indicates that Charles Hales filed Oregon nonresident income tax returns for the years 2004 through 2009.

A person who files an Oregon nonresident income tax return is required by law to swear that he is not a "resident" of Oregon. Oregon Form 40N requires that the taxpayer state his current address and be a nonresident of Oregon. The instructions state: "You're a nonresident if your permanent home was outside Oregon all year." Just above the signature line for the taxpayer is this attestation: "Under penalty for false swearing, I declare that the information in this return is true, correct, and complete."

The Oregon Tax Code, ORS 316.027(1), defines "Resident":

For purposes of this chapter, unless the context requires otherwise:

(a) "Resident" or "resident of this state" means:

(A) An individual who is domiciled in this state unless the individual:

(i) Maintains no permanent place of abode in this state;

(ii) Does maintain a permanent place of abode elsewhere; and

(iii) Spends in the aggregate not more than 30 days in the taxable year in this state; or

(B) An individual who is not domiciled in this state but maintains a permanent place of abode in this state and spends in the aggregate more than 200 days of the taxable year in this state unless the individual proves that the individual is in the state only for a temporary or transitory purpose.

Oregon income tax regulation, OAR 150-316.027(1), states:

(1) For purposes of ORS 316.027(1):

(a) "Domicile" means the place an individual considers to be the individual's true, fixed, permanent home. Domicile is the place a person intends to return to after an absence. A person can only have one domicile at a given time. It continues as the domicile until the person demonstrates an intent to abandon it, to acquire a new domicile, and actually resides in the new domicile. Factors

that contribute to determining domicile include family, business activities and social connections.

For the years 2004 through 2009, Charles Hales stated to the State of Oregon on his nonresident state income tax returns that he was not a resident of Oregon. Thus, under 316.027(1), that means he was either:

1. not "domiciled" in Oregon; or
2. was "domiciled" in Oregon but met all 3 of the criteria under 316.027(1):
  - (i) Maintains no permanent place of abode in this state;
  - (ii) Does maintain a permanent place of abode elsewhere; and
  - (iii) Spends in the aggregate not more than 30 days in the taxable year in this state.

The recitation above indicates that Charles Hales during the years 2004-09 did maintain permanent places of abode in Oregon, first at his condominium on Hayden Island and later at a house he owns on SE 27th Avenue. He therefore did not meet all of the 3 criteria under 316.027(1) and, consequently, did not qualify as an Oregon "resident" while domiciled in Washington. The only basis for his status as a nonresident of Oregon was his domicile in Washington.

By filing those 2004-09 returns, Charles Hales also negated any conclusion that he had met the criteria of 316.027(1)(a)(B) to qualify as a "resident" of Oregon.

Thus, by filing Oregon income tax returns as a nonresident for the years 2004-09, Charles Hales necessarily asserted to the State of Oregon that during those years he was not domiciled in Oregon. This is further confirmed by the instructions from the State of Oregon for filing nonresident returns:

**Nonresident:** You are a nonresident if your permanent home is outside Oregon all year.

Charles Hales repeatedly asserted to the State of Oregon that his domicile and residence during 2004-09 were not in Oregon.

**C. A person without Oregon domicile or residence cannot lawfully remain a registered voter in Oregon.**

Despite his move to Washington, Charles Hales did not cancel his Oregon voter registration, and he continued to vote in Oregon elections during the 2004-09 period.

A person who is not domiciled in Oregon is not eligible to be a registered voter in Oregon or to vote in Oregon elections. ORS 247.035 provides:

(1) An elections official, in determining the residence and qualifications of a person offering to register or vote, shall consider the following rules, so far as they may be applicable:

(a) 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.

(b) If a person's property is split by a jurisdictional line, the person shall be registered where the residence is located. If the residence is split by a jurisdictional line, the person shall register where the greatest value of the residence is located according to county assessment and taxation records.

(c) A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home.

(d) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.

(e) If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state.

(f) A person who has left the place of the person's residence for a temporary purpose only shall not be considered to have lost residence.

(2) 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.

**1. Charles Hales during the years 2004-09 did not qualify as an Oregon resident under ORS 247.035(1).**

He failed under (a), because he did not have a fixed habitation in Oregon "to which, when the person is absent, the person intends to return." Instead, he asserted to the State of Oregon that his domicile was in Washington, pursuant to this statutory definition of "Domicile" in ORS 316.027(1):

(a) "Domicile" means the place an individual considers to be the individual's true, fixed, permanent home. Domicile is the place a person intends to return to after an absence. A person can only have one domicile at a given time.

Charles Hales asserted in his Oregon nonresident tax returns for each of the years 2004-09 that he did not have domicile in Oregon, which means he necessarily asserted that he did not consider Oregon to be his true, fixed, permanent home. Consequently, he necessarily failed the test for Oregon residency under ORS 247.035(1)(a).

In addition, ORS 247.035(1)(d) also makes clear that Charles Hales was not an Oregon resident during 2004-09.

(d) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.

Charles Hales asserted in his Oregon nonresident tax returns for each of the years 2004-09 that his domicile was in Washington, which means he necessarily asserted that Washington was "the place" he "considers to be the individual's true, fixed, permanent home."

**2. Charles Hales during the years 2004-09 did not qualify as an Oregon resident under ORS 247.035(2).**

(2) 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.

He failed to qualify as an Oregon resident under ORS 247.035(2), which requires that the person "does not have a place in which habitation is fixed." This subsection is aimed at persons such as traveling salespersons living in motels or members of the military forces living in barracks or college students living in dormitories or apartments. Charles Hales asserted in his Oregon nonresident tax returns for each of the years 2004-09 that his domicile was in Washington, which means he necessarily

asserted that he had a "true, fixed, permanent home" in Washington and was not there without fixed habitation.

Further, even if somehow Charles Hales can somehow (1) recharacterize his sworn statements to the State of Oregon that during 2004-09 his residence and domicile were in Washington and (2) retroactively deny that he had "a place in which habitation is fixed," anywhere, he remains not lawfully registered to vote in Oregon under ORS 247.035(2), because the statute authorizes only that the person "may register at the address of the place the person's residence was located before the person left." Before Charles Hales left for Washington, his residence was on Hayden Island. When he allegedly returned, he did not register to vote at that address.

**3. The factors under ORS 247.035(3) are not necessary, but none of them show that Charles Hales qualified as a resident of Oregon during 2004-09.**

ORS 247.035(1) and (2) establish the standards for determining whether a person qualifies to be a registered voter in Oregon. Where the application of those provisions may not be clear, ORS 247.035(3) offers criteria as guidelines:

(3) 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.

In this case, it is clear that Charles Hales did not qualify to be an Oregon registered voter under ORS 247.035(1) and (2), so reference to ORS 247.035(3) is not necessary.

If the ORS 247.035(3) factors are considered: To date, Complainant is not aware for the period 2004-09 where Charles Hales received his personal mail, where he was licensed to drive, where he registered motor vehicles for personal use, where his immediate family members resided, or where he paid for utility services. The Secretary of State may choose to seek information on these matters. It is known,



however, from the press articles cited above that he filed his federal and state income tax returns from his address in Washington.

**D. Voting in an Oregon election while not lawfully registered in Oregon violates several laws.**

**1. ORS 260.694(4).**

ORS 260.694(4) states:

A person may not vote or offer to vote in any election knowing the person is not entitled to vote.

Violation of this statute is a Class A misdemeanor, punishable by a prison term of up to one year and/or a fine of \$6,250. ORS 260.993(3), ORS 161.615(1), ORS 161.635(1)(a).

The "knowing" element of a crime does not require proof of a defendant's actual mental state of guilt of a specific crime. ORS 161.085(8) provides:

"'Knowingly' or 'with knowledge,' when used with respect to conduct or to a circumstance described by a statute defining an offense, means that a person acts with an awareness that the conduct of the person is of a nature so described or that a circumstance so described exists."

*State v. Bell*, 220 Or.App. 266, 185 P.3d 541 (2008), explained:

The state may prove a defendant's knowledge with circumstantial evidence and reasonable inferences flowing from that evidence. *Delgado v. Souders*, 334 Or. 122, 135, 46 P.3d 729 (2002).

The circumstantial evidence here is that Charles Hales knowingly asserted to the State of Oregon for each of the years 2004-09 that he was not a resident or domiciliary of Oregon. It can be inferred that he knew that the privilege of voting in Oregon elections was limited to Oregon residents.

In a recent Oregon case, the Ninth Circuit Court of Appeals concluded:

What the law presumes is that everyone is aware of the obligations the law imposes on them. When a piece of legislation--usually of a criminal nature--adjusts the legal responsibilities of citizens, they cannot escape the effect of that law by claiming ignorance. Were the rule otherwise, citizens could frustrate the legislature's exercise of authority by an ostrich-like effort not to learn their legal obligations.FN4

FN4. Cases in which the Oregon Supreme Court has invoked this adage do, indeed, all involve situations where the law in question imposed a specific obligation on the individual. For example, *Dungey v. Fairview Farms, Inc.*, 205 Or. 615, 290 P.2d 181 (1955), dealt with a driver knowing what a "residence district" was for purposes of the motor vehicle laws.

*Bibeau v. Pacific Northwest Research Foundation Inc.*, 188 F.3d 1105, 1110-11 (1999).

## **2. 260.715(6).**

Voting by Charles Hales in Oregon elections during 2004-09 appears to have violated ORS 260.715(6):

A person may not willfully place a fraudulent ballot among the genuine ballots.

His ballots during those years were fraudulent, because he was not validly registered to vote in Oregon. This is a Class C felony, punishable by a fine of up to \$125,000 and/or a prison term of up to 5 years. ORS 260.993(2); ORS 161.605(3); ORS 161.625(1)(d).

## **3. ORS 247.009.**

Voting by Charles Hales in Oregon elections since 2004 appears to have violated ORS 247.009:

Unless specifically provided otherwise, a person may vote in an election of a political subdivision of this state only if the person is an elector registered in the political subdivision.

If Charles Hales was not a validly registered elector in any of the political subdivisions applicable to the address on Hayden Island or the address at 7136 S.E. 27th Avenue, Portland, Oregon, during the years 2004-09, each of his votes in those elections violated ORS 247.009. Each is subject to a civil penalty of up to \$250 for each violation, pursuant to ORS 260.995.

## **4. Article II, § 2, of the Oregon Constitution.**

Voting by Charles Hales in Oregon elections since 2004 appears also to have violated Article II, § 2, of the Oregon Constitution, which states:

## **Section 2. Qualifications of electors.**

(1) Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:

(a) Is 18 years of age or older;

(b) Has resided in this state during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and

(c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

Charles Hales did not meet these requirements, because he had not "resided in this state during the six months immediately preceding the election" and was not registered to vote in the manner provided by law.

### **VIOLATION NO. 2: Charles Hales continued to vote unlawfully in Oregon after changing his residence and domicile back to Oregon as of 2010.**

Charles Hales changed his domicile and residence back to Oregon as of 2010, as indicated by his filing of an Oregon resident state income tax return for that year. Since then, however, he has not lawfully registered to vote in Oregon.

His current alleged Oregon voter registration is based upon his filing of a voter registration card on March 18, 2008, listing his Oregon residence address as 7136 S.E. 27th Avenue, Portland, Oregon. At that time, however, Charles Hales was not a legal resident of Oregon, because he swore to the State of Oregon that Washington was his true, fixed, permanent home during all of 2008. See Violation No. 1, part B, above. Consequently, his attempt at that time to register to vote in Oregon was invalid and did not result in a valid voter registration.

ORS 247.012(3) provides:

Registration of a qualified person occurs:

(a) When a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated voter registration agency

under ORS 247.208 or at a location designated by a county clerk under subsection (7) of this section.

The voter registration card filed by Charles Hales on March 18, 2008, was not accurate, because it stated that his residence was in Oregon. Thus, his registration as a voter in Oregon did not occur.

Charles Hales since March 18, 2008, has not filed another Oregon voter registration card. He has not filed such a card since resuming his residence in Oregon in 2010. Consequently, he is not validly registered to vote in Oregon, and his votes in Oregon elections in 2010, 2011, and 2012 were unlawful, in addition to his votes in Oregon elections during the years 2004-09.

While county elections officers can investigate and cancel invalid voter registrations under ORS 247.174(2) and ORS 247.195, it is the Secretary of State who has jurisdiction to investigate violations of Oregon law pertaining to voting. Since Charles Hales voted in Oregon several times during the years 2008-12 based upon a voter registration which did not validly occur, the Secretary of State has jurisdiction to investigate and prosecute these violations.

As with his votes in Oregon during 2004-09 discussed above, his votes in Oregon since March 18, 2008, appear to have violated ORS 260.715(6), ORS 247.009, and Article II, § 2, of the Oregon Constitution. The available penalties for each violation include:

- > a fine of up to \$125,000 and/or a prison term of up to 5 years, pursuant to ORS 260.993(2), ORS 161.605(3), ORS 161.625(1)(d); and
- > a civil penalty of up to \$250 for each violation, pursuant to ORS 260.995.

**VIOLATION NO. 3: Charles Hales made a false swearing in his voter registration card filed on March 18, 2008.**

As noted above, Charles Hales filed an Oregon voter registration card on March 18, 2008, listing his Oregon residence address as 7136 S.E. 27th Avenue, Portland, Oregon. At that time, however, Charles Hales was not a legal resident of Oregon, because he swore to the State of Oregon that Washington was his true, fixed, permanent home during all of 2008. See Violation No. 1, part B, above.

Consequently, he made false statements on his Oregon voter registration card: the claim that his residence address was in Oregon and that he was qualified to be an elector. His signature on the card attested to this declaration:

"I swear or affirm that I am qualified to be an elector and I have told the truth on this registration."

This attestation is required by ORS 247.171(3)(f) and ORS 247.171(7).

ORS 247.171(5) prohibits any person from supplying any information on his voter registration card "knowing it to be false." Violation of ORS 247.171(5) is a Class C felony, punishable by a fine of up to \$125,000 and/or a prison term of up to 5 years. ORS 260.993(2); ORS 161.605(3); ORS 161.625(1)(d).

The meaning of the term "knowing" as an element of a criminal offense is discussed at pages 10-11 above. The government could conclude that Charles Hales knew that his claim of residence in Oregon in 2008 was false, because he knew that he had filed Oregon nonresident income tax returns in each of the years 2004-09 and in each of those filings swore that he was not a resident of Oregon during each year.

In addition, attesting to false information, when such information is required under the election laws, is also a violation of ORS 260.715(1):

A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

Charles Hales appears to have violated this statute by falsely claiming on his voter registration card to be a resident of Oregon and to be "qualified to be an elector." Violating ORS 260.715(1) is a Class C felony, punishable by a fine of up to \$125,000 and/or a prison term of up to 5 years. ORS 260.993(2); ORS 161.605(3); ORS 161.625(1)(d).

**VIOLATION NO. 4: Charles Hales made false swearings in signing each of his vote-by-mail envelopes submitted in Oregon since the beginning of 2004.**

Charles Hales appears to further have violated ORS 260.715(1) each time he voted in Oregon since the beginning of 2004 by signing each of his vote-by-mail ballots submitted to a county elections office in Oregon. As indicated in the VOTE BY MAIL PROCEDURES MANUAL (p. 113) published by the Secretary of State, a person signing a vote-by-mail envelope is certifying that:

I am the person to whom this ballot was issued.  
I am legally qualified to vote in the county that issued this ballot.  
This is the only ballot I have voted this election  
I still live at the address where I am registered to vote.

Signing each of such envelopes was certifying that the signer was legally qualified to vote in the county that issued this ballot. But Charles Hales had not been so qualified

since the beginning of 2004. Further, for each of his votes in 2004, 2005, 2006, 2007, and until March 18, 2008, he was also certifying that he still lived at the address where he was registered to vote (the Hayden Island address). But, as shown above, he swore to the State of Oregon that his residence and domicile were in Washington for the years 2004-09. Thus, each of those certification were false statements for that reason as well.

## **ALLEGED VIOLATIONS OF PORTLAND CITY LAWS**

These violations are included in this Complaint for the sake of information and completeness. The authority to prosecute them may be with the City of Portland or may be with the Multnomah County Elections Office. Either of those governments may well seek the advice of the Secretary of State regarding these violations, so they are included here.

### **VIOLATION NO. 5: Charles Hales violated Portland City Code § 2.08.050 and Portland City Charter § 2-202 and is not legally qualified to become a candidate for Mayor of Portland or to serve in that office.**

Portland City Code § 2.08.050 sets out the qualifications to run for Portland city office:

#### **2.08.050 Qualifications of Candidates.**

- A. Eligible electors filing for city offices shall meet the qualifications for elected officials described in Charter Section 2-202. The candidate shall be a citizen of the United States and of the State of Oregon, and a registered voter in the City of Portland who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one year immediately preceding the nominating election. \* \* \*
  
- C. The City Elections Officer shall reject the filing for candidacy if the City Elections Officer finds that a candidate is not a registered voter in the City of Portland, would otherwise be unable to qualify as an officer if elected, or if the filing is not in compliance with the law or the requirements of this Chapter in any other way.

Under this law, Charles Hales was not eligible to lawfully file a candidacy for mayor or any other Portland city office. At the time of his filing (May 2011), he was not "a registered voter in the City of Portland" for the reasons set forth at Violation No. 2 above: His purported Oregon voter registration depends solely upon the registration card he filed on March 18, 2008. But that card was not accurate, because it stated that his residence was in Oregon at the same time he was swearing, annually, that his residence and domicile were in Washington. Thus, his registration as a voter in Oregon did not occur, because ORS 247.012(3) requires that the "qualified person" file "a legible, accurate and complete registration card."

As Charles Hales was not legally qualified to file a candidacy for any Portland city office, the City Elections Officer should now reject his filing for candidacy. Even if the City Elections Officer does not terminate his candidacy, Charles Hales would rightfully be removed from office, if elected. The Portland City Charter, § 2-202, states:

**Section 2-202 Qualifications.**

Each elected official shall be a citizen of the United States and of the State of Oregon, and a registered voter who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one (1) year immediately preceding the nominating election. If any officer shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant.

Dated: April 17, 2012

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