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April 18, 2012

Tim Scott
Director of Elections
Multnomah County Elections Division
1040 SE Morrison Street
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Dear Mr. Scott:

The decision letter of the Multnomah County Elections Division, issued with less than a single day of consideration, is quite wrong on the law.

First, it considers Mr. Hales's "current residency," which is irrelevant to the Complaint. What matters is what his residency was at the time he registered to vote, which was March 18, 2008. So the decision letter examines the wrong question.

Second, your letter fails to cite or discuss the primarily applicable statute, ORS 247.035(1). Instead, you refer only to a statute, ORS 247.035(3), that applies only where a person's residence is not clear under ORS 247.035(1)

Third, Mr. Hales' current contention that he "considered himself to be temporarily away and that he always intended to return to his Oregon residence" is flatly and entirely contradicted by his sworn statements to the State of Oregon on his Oregon nonresidence income tax returns filed for 2004, 2005, 2006, 2007, 2008, and 2009 that he was not a resident of Oregon. As shown in the Complaint, that necessarily means he was swearing that his that his "true, fixed, permanent home" was not in Oregon.

Fourth, your use of ORS 247.035(2) is egregiously incorrect for two separate reasons. The first reason is because that law requires that the person "not have a place in which habitation is fixed." Mr. Hales certainly had such a

place; he was not a vagrant or a traveling salesperson or a soldier living in various military barracks. At the time he last registered to vote in Oregon, he swore to the State of Oregon that his fixed habitation was his home in Washington. In addition, even your decision letter itself (p. 1) states that he had "a place in which habitation is fixed." Consequently, ORS 247.035(2) is clearly inapplicable to Mr. Hales.

The second reason is that, ORS 247.035(2), if applicable, allows the person to "register at the address of the place the person's residence was located before the person left." Mr. Hales did not do that. His Oregon residence "before he left" in 2004 was on Hayden Island. On March 18, 2008, he registered at 7136 S.E. 27th Avenue in Portland, which is clearly not where "the person's residence was located before the person left."

Finally, if Mr. Hales was only "temporarily away from Oregon," then he falsely swore to the State of Oregon at least 6 times on his "nonresident" Oregon income tax returns that he was not a resident of Oregon.

Consequently, I ask that you reconsider your very hasty, and wrong, decision.

Sincerely,

Seth Woolley