1			
2			
3			
4	IN THE CIRCUIT COURT	OF THE STATE OF OREGON	
5	FOR THE COUNTY OF WASHINGTON		
6	OREGON SECRETARY OF STATE,	Case No.	
7	Plaintiff-Applicant,	COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820	
8 9	v. CITY RECORDER OF KING CITY,	CLAIM NOT SUBJECT TO MANDATORY ARBITRATION	
10	OREGON, Defendant-Respondent.	ADJUDICATION REQUIRED BY OCTOBER 30, 2023 (ORS 246.820(2))	
11		ORS 20.140 - State fees deferred at filing	
12			
13			
14	The Oregon Secretary of State files this	complaint and application for an order to compel	
15	the City Recorder of King City, Oregon to comply with the Secretary's instruction to allow		
16	circulation of petitions to recall six City Councilors under ORS 246.820(1).		
17	In support of this application, the Secre	tary alleges as follows:	
18	BACK	GROUND	
19		1.	
20	From September 13 to September 19, 2023, Randall Olsen filed six prospective petitions		
21	each to recall a different city counselor of King City, with the City Recorder. Mr. Olsen did so		
22	by submitting SEL 350 forms promulgated by the Secretary of State, which require a statement		
23	of reasons for the recall. (Exhibits 1–6.)		
24	2.		
25	The City Recorder approved the recall petitions for circulation as the filing officer for		
26	King City elections.		
Page	e 1 - COMPLAINT AND APPLICATION FOF BM2/jt3/925982635	R ORDER UNDER ORS 246.820	
	Depa	rtment of Justice W Market Street	

Portland, OR 97201 (971) 673-1880 / Fax: (971) 673-5000

1	3.		
2	On October 5, the City Recorder wrote to Mr. Olsen that the "approvals of the [six recall]		
3	petitions are hereby revoked," because "it appears that the recall petitions contain several		
4	instances of false information and material." (Exhibit 7.)		
5	4.		
6	The recall petition's statement of reasons focuses on a City Council vote to amend the		
7	Kingston Terrace Master Plan. The City Recorder's October 5 letter does not identify the		
8	statements that he determined were "false and misleading," but the City Attorney later argued		
9	that the city counselors "are severely constrained and restricted by Oregon state land use laws,		
10	the Metro Functional Plan, and prior agreements and approvals of both the existing and previous		
11	city councils" The statement of reasons does not address these factors directly, but it says that		
12	"City council can change this plan [i.e., Master Plan]."		
13	5.		
14	On October 11, the Secretary of State's Elections Director sent a letter to the City		
15	Recorder instructing him to "promptly rescind the actions described in [his] October 5 letter		
16	and to promptly notify the chief petitioner of the rescission." (Exhibit 8.)		
17	6.		
18	On October 18 and October 19, the City Attorney responded with legal argument that the		
19	City Recorder's letter rescinding approval of the recall petitions was justified and made no		
20	indication the City Recorder would follow the Secretary of State's instruction.		
21	PARTIES		
22	7.		
23	The Secretary brings this action as Oregon's chief elections officer. ORS 246.110.		
24	8.		
25	The City Recorder of King City is the City's elections official and the filing officer for		
26	recall petitions for city elections. ORS 249.035(3).		
Page	e 2 - COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820 BM2/jt3/925982635 Department of Justice		
	100 SW Market Street		

100 SW Market Street Portland, OR 97201 (971) 673-1880 / Fax: (971) 673-5000

1	JURISDICTION, VENUE, AND EXPEDITED CONSIDERATION			
2	9.			
3	This Court has jurisdiction to order the City Recorder to comply with the Secretary of			
4	State's instruction under Article VII (Original), section 9, of the Oregon Constitution and ORS			
5	246.820(1), which provides:			
6	Whenever it appears to the Secretary of State that a city			
7	State under ORS 246.110 or has failed to comply with a instruction made by the Secretary of State under ORS 246.120, the Secretary of State may apply to the appropriate circuit court for			
8				
9				
10	official to comply.			
11	10.			
12	ORS 246.820(2) provides that "[t]he court shall dispose of the matter under subsection			
13	(1) of this section as soon as possible, but in any case not later than the fifth day after the			
14	Secretary of State applies for an order."			
15	11.			
16	Venue in Washington County is proper under ORS 14.080(1) because the cause of action			
17	arose here and because it is the location of the respondent.			
18	LEGAL AUTHORITIES			
19	RECALLS			
20	12.			
21	Under Article II, Section 18(1) of the Oregon Constitution, "[e]very public officer in			
22	Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral			
23	district from which the public officer is elected." Voters may demand a recall election by a			
24	petition signed by registered voters equal to 15 percent of the votes cast for Governor at the last			
25	quadrennial election. Id. § 18(2); ORS 249.870.			
26				

Page 3 - COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820 BM2/jt3/925982635

1

2 "On the ballot at the election shall be printed in not more than 200 words the reasons for 3 demanding the recall of the officer as set forth in the recall petition ...." Or. Const., art. II,  $\S$  18(5). The chief petitioner submits that statement to the filing officer at the outset of the 4 petition process. See ORS 249.865(1) ("Before the petition is circulated for signatures, the chief 5 6 petitioner of the petition shall file with the officer authorized to order the recall election a copy 7 of the prospective petition signed by the chief petitioner."); Oregon Secretary of State Elections 8 Division, Recall Manual at 7, available at 9 https://sos.oregon.gov/elections/Documents/RecallManual.pdf (designated as a rule by OAR 10 165-014-0005(2)) (providing that the statement of reasons is included in the initial petition 11 form); Prospective Petition—SEL 350, available at 12 https://sos.oregon.gov/elections/Documents/SEL350.pdf (same). 13 14. 14 The filing officer is required to confirm the petition includes the required information, to date stamp it, assign it an identification number, and provide it to the Secretary of State's 15 16 Elections Division, as well as approve petition form templates for circulation. Recall Manual at 17 8; see generally ORS 249.865. Filing officers have no responsibility to review the statement of 18 reasons and no authority to reject a signature if they judge it to be inaccurate. 19 STATE AND CITY ELECTIONS OFFICIALS 20 15. 21 "The Secretary of State is the chief elections officer of this state, and it is the secretary's 22 responsibility to obtain and maintain uniformity in the application, operation and interpretation 23 of the election laws." ORS 246.110. To obtain and maintain the uniformity in the operation of 24 the election laws, the Secretary issues rules, instructions, and directives, which local officials are 25 required to follow. See City of Eugene v. Roberts, 91 Or. App. 1, 3, aff'd, 305 Or. 641 (1988) 26 (holding that the Secretary of State, as the State's "chief election officer" under ORS 246.110,

13.

Page 4 - COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820 BM2/jt3/925982635

Department of Justice 100 SW Market Street Portland, OR 97201 (971) 673-1880 / Fax: (971) 673-5000

1	may direct a local election official not to place a measure on the ballot in violation of state law);
2	see also ORS 246.120, 246.210.
3	16.
4	The City Recorder is the filing officer for recalls of King City officials. See King City
5	Municipal Code 2.30.050; ORS 249.035(3).
6	17.
7	If a city elections officer has failed to comply with any directive or instruction or an
8	interpretation of any election law, the Secretary of State may apply to the appropriate circuit
9	court for an order to compel the city elections officer official to comply. See ORS 246.820(1).
10	CLAIM FOR RELIEF — ORS 246.820
11	18.
12	The Secretary realleges paragraphs 1-17, above.
13	19.
14	The Secretary informed the City Recorder of her interpretation of the election law
15	regarding recalls and issued an instruction requiring him to rescind a letter disallowing
16	circulation of recall petitions based on the City Recorder's erroneous interpretation of the
17	election laws.
18	20.
19	The City Recorder has failed to comply with the Secretary's interpretation and
20	instruction.
21	21.
22	The Secretary's interpretation of the election laws reflected in the instruction is correct.
23	The City Recorder has no authority to reject the filing or prohibit the circulation of a recall
24	petition based on his determination that it is factually inaccurate.
25	
26	

Page 5 - COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820 BM2/jt3/925982635

1	<b>REQUESTED RELIEF</b>		
2	22.		
3	The Secretary of State requests that the Court order the City Recorder to:		
4	(a) comply with the Secretary of State's instruction dated October 11, 2023;		
5	(b) rescind his letter dated October 5, 2023, to the chief petitioner and inform		
6	the chief petitioner of the rescission; and		
7	(c) if the chief petitioner submits signatures on any of the six petitions within		
8	90 days of filing the prospective petition, proceed to verify those		
9	signatures in compliance with state law.		
10	23.		
11	The Secretary of State also requests an award of costs and disbursements under ORS		
12	33.720(5) and ORCP 68, and such other relief as the Court may determine is just and proper.		
13			
14	DATED October <u>23</u> , 2023.		
15	Respectfully submitted,		
16	ELLEN F. ROSENBLUM		
17	Attorney General		
18	e/ Puign Simmonde Maushall		
19	<u>s/Brian Simmonds Marshall</u> BRIAN SIMMONDS MARSHALL #196129 Senior Assistant Attempt General		
20	Senior Assistant Attorney General Trial Attorney Tel (971) 673-1880		
21	Fax (971) 673-5000		
22	Brian.S.Marshall@doj.state.or.us Of Attorneys for Plaintiff-Applicant		
23	Oregon Secretary of State		
24			
25			
26			
Page 6	6 - COMPLAINT AND APPLICATION FOR ORDER UNDER ORS 246.820		

BM2/jt3/925982635

Prospective Petition Recall

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an: 🔳 Ori	ginal	Amendm	ent
Filing Officer			
State Co	unty for both county and district c	offices 🔳 City	
Some Circulators may be F	Paid		
Yes No			
Petition for Recall of Provid	e the name of the public officer and the p	osition that they currently	v hold.
Name of Public Officer		Title of Public Officer	
Jamie Fender		Mayor	
Statement Provide the reason	s for demanding recall in 200 words or les	ss. Any factual information	provided must be true.
Recall Mayor Jamie Fender becaus	se she voted against her King City constitu	ency for the Extension of Fi	ischer Road in the Kingston Terrace Master Plan.
The planned Fischer Road extension	on:		
	eighborhoods: tween Roy Rogers Road and 99W that will hood less safe and less desirable.	attract a high volume of reg	gional cut through traffic.
Harms the environment and wildlife	habitat:		
The Fischer Road route is very cl	lose to the Tualatin River, disrupting the na	tural environment with nois	e and harmful pollutants.
It will cross the Bankston Nature	Preserve (protected by a conservation eas	ement) which will forever ha	arm this vital connective natural space
Change Fischer Road from being o	nly a local street:		
The King City Comprehensive Pla remove this protection	an prevented a future Fischer Road extens	ion from being anything mo	re than a local street. Mayor Fender voted to
Mayor Fender voted for this plan de	espite overwhelming public opposition to th	e Fischer Road extension.	
City council can change this plan. V	Ve deserve council members who represer	nt their constituents. Please	sign the petition now to take action.
Chief Petitioner Informatio	on The chief petitioner must remain throu	ughout the petition proces	s or the petition is void.
ightarrow By signing this document, I	hereby state that any factual inform	ation (not a matter of o	pinion) in the above statement is true.
<sub>Name</sub> Randall Olsen			Contact Phone 503 730-2164
Residence Address street, 13509 SW King	city, state, zip 7 Lear Way, King C	ity OR	97224
Mailing Address if different	t /	1.1	Email Address
Sam	P	Car	nationman@hotmail.com
Signature	11 1		Date Signed
Kandall	H. Olson		9-13-2023
		Secret	ary of State v. King City City Recorder Exhibit 1 to State's Complaint Page 1 of 1
		ing or king City	
		ing City, OR 97224	DEFINEKED ZEB 1 8
	PT - 70	773-7	

#### Recall

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an: 🔲 Original	Amendment
Filing Officer	
State County for both county and distric	ct offices 🔳 City
Some Circulators may be Paid	
Yes No	
Petition for Recall of Provide the name of the public officer and t	he position that they currently hold.
Name of Public Officer	Title of Public Officer
Kate Mohr	Councilor
Statement Provide the reasons for demanding recall in 200 words o	or less. Any factual information provided must be true.
Recall Councilor Kate Mohr because she voted against her King City cons	stituency for the Extension of Fischer Road in the Kingston Terrace Master Plan.
The planned Fischer Road extension:	
Increases traffic through existing neighborhoods: Provides a direct connection between Roy Rogers Road and 99W that Incrased traffic makes neighborhood less safe and less desirable.	will attract a high volume of regional cut through traffic.
Harms the environment and wildlife habitat:	
The Fischer Road route is very close to the Tualatin River, disrupting the	e natural environment with noise and harmful pollutants.
It will cross the Bankston Nature Preserve (protected by a conservation	easement) which will forever harm this vital connective natural space
Change Fischer Road from being only a local street:	
The King City Comprehensive Plan prevented a future Fischer Road ext remove this protection	tension from being anything more than a local street. Councilor Mohr voted to
Councilor Mohr voted for this plan despite overwhelming public opposition	to the Fischer Road extension.
City council can change this plan. We deserve council members who repr	esent their constituents. Please sign the petition now to take action.
Chief Petitioner Information The chief petitioner must remain the	
→ By signing this document, I nereby state that any factual into	prmation (not a matter of opinion) in the above statement is true.
Name	
Dandall Olaan	Contact Phone
Randall Olsen	Contact Phone 503 730-2164
Residence Address street, city, state, zip	503 730-2164
	503 730-2164
Residence Address street, city, state, zip 13509 SW King Lear Way, King	503 730-2164 City OR 97224 Email Address
Residence Address street, city, state, zip 13509 SW King Lear Way, King Mailing Address if different	503 730-2164 City OR 977774 Email Address
Residence Address street, city, state, zip 13509 SW King Lear Way, King Mailing Address if different Same	503 730-2164 City OR 97224 Email Address Carnationman& hotmail. com
Residence Address street, city, state, zip 13509 SW King Lear Way, King Mailing Address if different Same Signature Radd M MM	503 730-2164 <u>City</u> OR 97114 Email Address <u>Carnation man &amp; hotmail</u> . <u>com</u> Date Signed 9-13-2023 Secretary of State v. King City City Recorder Exhibit 2 to State's Complaint
Residence Address street, city, state, zip 13509 SW King Lear Way, King Mailing Address if different Same Signature Rawl H DAm City	503 730-2164 <u>City</u> OR 971114 Email Address <u>Carnation man &amp; hotmail.com</u> Date Signed 9-13-2023 Secretary of State v. King City City Recorder Exhibit 2 to State's Complaint Page 1 of 1
Residence Address street, city, state, zip 13509 SW King Lear Way, King Mailing Address if different Same Signature Radd M MM City 15300 S	503 730-2164 <u>City</u> OR 97114 Email Address <u>Carnation man &amp; hotmail.com</u> Date Signed 9-13-2023 Secretary of State v. King City City Recorder Exhibit 2 to State's Complaint Page 1 of 1

PL-2023-6

### Recall

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an:	Original	Amendment			
Filing Officer					
State	County for both county and district offices	City			
Some Circulators n	Some Circulators may be Paid				
Yes	No				
Petition for Recall	of Provide the name of the public officer and the position	that they currently hold.			
Name of Public Office		of Public Officer			
Smart Ocholi	Со	uncilor			
Statement Provide t	he reasons for demanding recall in 200 words or less. Any	factual information provided must be true.			
Recall Councilor Smart C	Ocholi because he voted against his King City constituency for	or the Extension of Fischer Road in the Kingston Terrace Master Plan.			
The planned Fischer Roa	ad extension:				
	existing neighborhoods: nection between Roy Rogers Road and 99W that will attract s neighborhood less safe and less desirable.	a high volume of regional cut through traffic.			
Harms the environment a	and wildlife habitat:				
The Fischer Road route	e is very close to the Tualatin River, disrupting the natural er	nvironment with noise and harmful pollutants.			
It will cross the Banksto	on Nature Preserve (protected by a conservation easement)	which will forever harm this vital connective natural space			
Change Fischer Road fro	om being only a local street:				
The King City Compreh remove this protection	nensive Plan prevented a future Fischer Road extension from	n being anything more than a local street. Councilor Ocholi voted to			
Councilor Ocholi voted fo	or this plan despite overwhelming public opposition to the Fis	cher Road extension.			
City council can change t	this plan. We deserve council members who represent their	constituents. Please sign the petition now to take action.			
Chief Petitioner Inf	formation The chief petitioner must remain throughout	the petition process or the petition is void.			
ightarrow By signing this doe	cument, I hereby state that any factual information (	not a matter of opinion) in the above statement is true.			
Name		Contact Phone			
Randall Olsen		503 730-2164			
Residence Address	street, city, state, zip	07. h i			
13509 5	W King Lear Way, King Cit	Y. OR 9/224			
Mailing Address if	different	Email Address			
	Same	Carnationman@ hotmail.com			
Signature		Date Signed			
Kandal	l H Olsn	9-13-2023			
		Secretary of State v. King City City Recorder Exhibit 3 to State's Complaint			
	1030	Page 1 of 1 City of King City DELIVERED SEP 1 3 2023 DO SW 116th Avenue ng City, OR 97224			
	PT - 2023	- 7			

## Recall

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an:	Original	Amendm	nent	
Filing Officer				
State	State County for both county and district offices City			
Some Circulators n	nay be Paid			
Yes	No No			
Petition for Recall	of Provide the name of the public officer and th	e position that they current	ly hold.	
Name of Public Office	۶r	Title of Public Officer	ſ	
Micah Paulser	1	Councilor		
Statement Provide th	ne reasons for demanding recall in 200 words or	less. Any factual information	n provided must be true.	
Recall Councilor Micah P	aulsen because he voted against his King City co	onstituency for the Extension of	of Fischer Road in the Kingston Terrace Master Plan.	
The planned Fischer Roa	d extension:			
	existing neighborhoods: lection between Roy Rogers Road and 99W that v neighborhood less safe and less desirable.	will attract a high volume of re	egional cut through traffic.	
Harms the environment a	nd wildlife habitat:			
The Fischer Road route	e is very close to the Tualatin River, disrupting the	natural environment with nois	se and harmful pollutants.	
It will cross the Banksto	n Nature Preserve (protected by a conservation e	easement) which will forever h	narm this vital connective natural space	
Change Fischer Road fro	m being only a local street:			
The King City Comprehensive Plan prevented a future Fischer Road extension from being anything more than a local street. Councilor Paulsen voted to remove this protection				
Councilor Paulsen voted for this plan despite overwhelming public opposition to the Fischer Road extension.				
City council can change th	his plan. We deserve council members who repre-	sent their constituents. Pleas	e sign the petition now to take action.	
Chief Petitioner Inf	ormation The chief petitioner must remain th	roughout the petition proce	ess or the petition is void.	
	ument, I hereby state that any factual infor			
Name			Contact Phone	
Randall Olsen			503 730-2164	
	sturet situ state sis		505750-2104	
13509 SIA	street, city, state, zip	ng City OR	97174	
Mailing Address if o		ng City OR	Email Address	
		0		
Cianatura	Same		Date Signed	
Signature	ll H Olsn		9-13-2023	
		Secre	tary of State v. King City City Recorder Exhibit 4 to State's Complaint	
		City of King City	Page 1 of 1	
		15300 SW 116th Ave	enue 26	
		King City, OR 972		
		000	lat has the	

PI-2023-1

## Recall

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an: 🔲 Original	Amendment				
Filing Officer					
State County for both county and district offices City					
Some Circulators may be Paid					
Yes No					
Petition for Recall of Provide the name of the public officer and the position the	hat they currently hold.				
Name of Public Officer Title o	f Public Officer				
Laurie Petrie Cour	ncilor				
Statement Provide the reasons for demanding recall in 200 words or less. Any fact	ctual information provided must be true.				
Recall Councilor Laurie Petrie because she voted against her King City constituency for	r the Extension of Fischer Road in the Kingston Terrace Master Plan.				
The planned Fischer Road extension:					
Increases traffic through existing neighborhoods: Provides a direct connection between Roy Rogers Road and 99W that will attract a l Incrased traffic makes neighborhood less safe and less desirable.	nigh volume of regional cut through traffic.				
Harms the environment and wildlife habitat:					
The Fischer Road route is very close to the Tualatin River, disrupting the natural envir	ronment with noise and harmful pollutants.				
It will cross the Bankston Nature Preserve (protected by a conservation easement) whether the second s	nich will forever harm this vital connective natural space				
Change Fischer Road from being only a local street:					
The King City Comprehensive Plan prevented a future Fischer Road extension from b remove this protection	eing anything more than a local street. Councilor Petrie voted to				
Councilor Petrie voted for this plan despite overwhelming public opposition to the Fischer	er Road extension.				
City council can change this plan. We deserve council members who represent their co	nstituents. Please sign the petition now to take action.				
Chief Petitioner Information The chief petitioner must remain throughout th	e petition process or the petition is void.				
ightarrow By signing this document, I hereby state that any factual information (no	t a matter of opinion) in the above statement is true.				
Name	Contact Phone				
Randall Olsen	503 730-2164				
Residence Address street, city, state, zip 13509 SW King Lear Way. King City	OR 97224				
Mailing Address if different	Email Address				
Same	Carnationman @ hotmail.com				
Signature	Date Signed				
Kandell H Olsen	9-13-2023				
	Secretary of State v. King City City Recorder Exhibit 5 to State's Complaint Page 1 of 1				

City of King City 15300 SW 116th Avenue DELIVER

King City, OR 97224

DELIVERED SEP 1 3 2023

DT-DAD W

Warning Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Changes to the information provided for the chief petitioner or to the circulator pay status below must be reported to the elections official no later than the 10th day after you first have knowledge or should have had knowledge of the change.

This filing is an:	🗌 Original	🔳 Amendme	ent			
Filing Officer						
State	County for both county and district o	ffices 🔳 City				
Some Circulators r	Some Circulators may be Paid					
Yes	No					
Petition for Recall	of Provide the name of the public officer and the p	osition that they currently	/ hold.			
Name of Public Officer		Title of Public Officer				
Marc Manelis		Councilor				
Statement Provide t	the reasons for demanding recall in 200 words or les	s. Any factual information	provided must be true.			
Recall Councilor Marc M	lanelis because he voted against his King City constitu	uency for the Extension of	Fischer Road in the Kingston Terrace Master Plan.			
The planned Fischer Roa	ad extension:					
	existing neighborhoods: nection between Roy Rogers Road and 99W that will s neighborhood less safe and less desirable.	attract a high volume of rea	gional cut through traffic.			
Harms the environment a	and wildlife habitat:					
The Fischer Road rout	e is very close to the Tualatin River, disrupting the nat	tural environment with nois	e and harmful pollutants.			
It will cross the Banksto	on Nature Preserve (protected by a conservation ease	ement) which will forever ha	arm this vital connective natural space			
Change Fischer Road fro	om being only a local street:					
The King City Compreh remove this protection	hensive Plan prevented a future Fischer Road extensi	on from being anything mo	ore than a local street. Councilor Manelis voted to			
Councilor Manelis voted	for this plan despite overwhelming public opposition to	o the Fischer Road extensi	ion.			
City council can change	this plan. We deserve council members who represer	t their constituents. Please	e sign the petition now to take action.			
Chief Petitioner In	formation The chief petitioner must remain throu	ighout the petition proces	s or the petition is void.			
ightarrow By signing this do	cument, I hereby state that any factual informa	ation (not a matter of o	pinion) in the above statement is true.			
<sub>Name</sub> Randall Olsen			Contact Phone 503 730-2164			
Residence Address	Residence Address street, city, state, zip					
13509 SW Kin	ng Lear Way King City, OR 972	224				
Mailing Address if	different		Email Address carnationman@hotmail.com			
Classification	4. 5.4		-			
Signature Rand	fall Olsen		Date Signed 9-19-23			
		Sec	cretary of State v. King City City Recorder Exhibit 6 to State's Complaint			
		C	ity of King City			
	15300 SW 116th Avenue					
	King City, OR 97224					
		PI-T	2023 2505			

October 5, 2023

Olsen, Randall 13509 SW King Lear Way King City, OR 97224

Sent via: First Class Certified U.S Mail; First Class Mail; Email <u>carnationman@hotmail.com</u>

#### **RE:** Revoking of the Recall Petitions

Dear Mr. Olsen,

I apologize for any inconvenience this may cause, but after a thorough legal review of ORS 249.865 to 249.877, ORS 250.048, and 250.052, and ORS 260.532, and considering the facts pertaining to the six (6) Recall Petitions you filed on September 13, 2023, it appears that the recall petitions contain several instances of false information and material. Due to the false and misleading materials discovered through legal review I am obligated to revoke the approved petitions and signature sheets.

Approvals of the below petitions are hereby revoked, and the signatures collected to date are invalidated due to the presence of material and false information on the petitions:

- PI-2023-01 Micah Paulsen
- PI-2023-02 Jaimie Fender Amended
- PI-2023-03 Smart Ocholi
- PI-2023-04 Laurie Petrie
- PI-2023-05 Marc Manelis Amended
- PI-2023-06 Kate Mohr

Please note that I cannot provide you legal or elections advice, recommendations, or considerations.

Thank you for your understanding and prompt attention to this matter.

cc: Mike Weston, Edward Trompke

### **Ronnie L. Smith**

Elections Official | City of King City | Records Department | GIS Department

- M: (503) 840-4524
- **P:** (503)482-8702
- E: <u>rsmith@ci.king-city.or.us</u>
- A: 15300 SW 116th Ave, King City, Or

www.ci.king-city.or.us



# **OFFICE OF THE SECRETARY OF STATE**

## **ELECTIONS DIVISION INSTRUCTIONAL LETTER**

October 11, 2023

Via email [rsmith@ci.king-city.or.us]

Ronnie L. Smith Elections Official City of King City Records Department 15300 SW 116th Ave. King City, OR 97224

Dear Mr. Smith:

The Secretary of State, as Oregon's chief elections officer, is responsible for issuing instructions necessary to maintain uniformity in the application, operation, and interpretation of Oregon election laws. ORS 246.110, 246.120. Subject to the instructions of the Secretary of State, county clerks exercise general supervision of the administration of election laws by local elections officials within their jurisdiction. ORS 246.210. The information provided here is an official instruction of the Secretary of State and is provided after consultation with the Washington County Clerk. At the clerk's request, and in the interest of time, we are providing this instruction to you and the clerk simultaneously.

#### **Background**

On October 10, 2023, the Elections Division became aware that you had revoked the approval to circulate six recall petitions and declared that the signatures already collected were invalid. In a letter to the chief petitioner dated October 5, 2023, you stated that you took those actions because the recall petitions contained "false information and material."

The six petitions affected are:

- PI-2023-01 Micah Paulsen
- PI-2023-02 Jaimie Fender Amended
- PI-2023-03 Smart Ocholi
- PI-2023-04 Laurie Petrie
- PI-2023-05 Marc Manelis Amended
- PI-2023-06 Kate Mohr

#### **Reason for Instruction**

Oregon law does not empower filing officers to revoke the approval to circulate recall petitions or invalidate signatures for the reason stated in your October 5, 2023, letter. ORS 249.865-249.877 governs the recall process, and ORS 250.045, 250.048, and 250.052 govern the requirements for recall



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petitions. Neither those statutes, nor any rules of the Secretary of State, permit a filing officer to revoke circulation approval or invalidate signatures due to the content of the petition. The filing officer's role is limited to the form of the petition and the verification of the signatures submitted.

### **Instruction**

For the reasons stated above, this letter instructs you, as the filing officer for the six recall petitions, to promptly rescind the actions described in your October 5 letter to the chief petitioner and to promptly notify the chief petitioner of the recission.

You are encouraged to contact the Elections Division or the Washington County Clerk for any assistance or advice that you deem helpful in responding to this instruction.

Sincerely,

MFWoon

Molly Woon, Elections Division Director

Cc: Dan Forester, Washington County Clerk [Dan\_Forester@washingtoncountyor.gov]
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