



Office of the City Recorder

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August 8, 2022

Delivered via Certified US Mail, Regular US Mail, and Email

Leslie Wright Jr.
1921 Main St, Unit #107
Oregon City, OR 97045
usnationwidebma@outlook.com; lesliewrightformayor@gmail.com

Re: Denial of Certification for Mayor in the November 8, 2022 General Election

Dear Mr. Wright:

After reviewing your candidacy filing, as well as the additional information you provided, I have determined you do not meet the qualifications to be a candidate for Mayor of Oregon City at the general election in November 2022. We appreciate the cooperation of you and your campaign in responding to our inquiries, and I do not make this decision lightly.

Reasons for our decision include the following:

Section 13 of the Oregon City Charter requires that all candidates for elective office in the City, including for the office of Mayor, to have “resided in the city during the twelve months immediately preceding the election.” The period of required residency for the November 2022 general election began in November 2021.

As the City Elections Officer, I am the filing officer for elections within the City and I must determine whether candidates meet minimum qualifications for office. This includes verifying qualifications of prospective candidates when they file for office, including whether they meet residency requirements. ORS 249.004(1), ORS 249.031, ORS 254.165.

To verify residency, I begin by reviewing a prospective candidate’s Oregon voter registration history, driver’s license information, and any other information submitted by a candidate. If that information is insufficient to determine residency in Oregon City, I request additional information, as I did here. We also ask prospective candidates to answer any questions we may have about their residency.

Although the residency requirement is part of the Oregon City Charter, neither the charter, the city code, or any other city ordinance provides any further guidance on how to determine residency. Moreover, no court has interpreted the Oregon City charter residency provisions, but the Oregon Supreme Court recently did so for gubernatorial candidates, *Kristof v. Fagan*, 369 Or 261 (2022).

In addition, several statutes address residency for other purposes, such as ORS 247.035 for voter registration and ORS 249.052 for candidacy for state legislative races. Those statutes include several factors to consider in determining residency, including (1) where the person receives personal mail, (2) where the person is licensed to drive, (3) where the person registers motor vehicles, (4) where immediate family members reside, (5) where the person pays for utility services, (6) where the person files taxes, and (7) where the person has voted.

This office endeavors to be consistent with determining the qualifications, including residency, for all candidates, and for its decisions to be consistent with state requirements, even if those requirements do not apply directly.

Your voter registration history for the required residency period shows you were registered as a voter in Oregon City from January 7, 2022 to the present; however, your driver's license history indicated that your residence was in the state of Washington. Because of questions of your residency were raised in prior elections, you provided some additional materials at the time of filing the current SEL 101 form without our prior request. Most importantly, these materials included a utility statement that stated a move-in date of March 31, 2022.

Based on the concerns noted above, I asked you to address those questions further, focusing on the period from November 2021 through March 2022. After several requests for additional information, you provided additional documentation on July 25, 2022 and August 4, 2022. Considering all the available information, I note the following facts concerning the required residency period (November 2021-November 2022):

- During the year prior to November 2022, you were registered to vote in Oregon City. However, the address for the voter's registration does not match the address provided on the current SEL 101 form. This suggests that the registration may be out of date and has not been consistently updated. Therefore, this evidence is of limited value.
- During a large portion of the year prior to November 2022, you maintained a Washington driver's license, which would be illegal if you were a resident of Oregon, including a resident of Oregon City. This evidence weighs heavily against residency in Oregon City over the applicable period.
- You provided several pieces of personal mail to this office, but none of the personal mail appeared to have been sent or received in the period in question from November 2021 through March 2022.
- You provided information regarding the provision of utility services, but the bills indicated a move-in date of March 31, 2022. Subsequent utility bills were provided, but none indicated an Oregon City address between November 2021 and March 2022.

- You provided no evidence or information regarding the location of registration for any motor vehicles.
- You provided no evidence or information regarding the residence of any immediate family members.
- You provided no evidence regarding the address used in filing any federal or state income taxes. You indicated in a phone call that you had not filed taxes in the last two years.
- This office received unsolicited emails and an affidavit from Woynvee Gray in which she indicated that she was a former employee of your company and that your residence was located in Wilsonville, Oregon during at least November and December 2021.
- After we notified you of the issues with your Washington state driver's license, on July 25, 2022, you provided an Oregon temporary driver's license with an issue date of 7/25/2022 and listing an Oregon City address. While this indicates you currently reside in Oregon City, it does not provide evidence of your residency between November 2021 and March 2022.
- On 7/25/2022, you provided a utility statement dated 7/1/2022 and a letter from the U.S. Department of Veterans Affairs dated 6/15/2022. These letters do not provide evidence of residency from November 2021 and March 2022.
- On 8/4/2022, you provided some additional medical file materials dated May 2021 and July 2021 identifying a Main Street mailing address in Oregon City. These letters do not provide evidence of residency from November 2021 and March 2022.

In this case, your voter registration is a somewhat significant indication of your residency; the Secretary of State and the Supreme Court placed significant reliance on Mr. Kristof's failure to have been a registered voter during the residency period to conclude he was not qualified in the *Kristof v. Fagan* decision. Here, your voter's registration address does not appear to be up to date, as the address does not match the address that you provided on the SEL 101 form. Clackamas County Elections has not been able to confirm an updated registration address as a result of your recent driver's license issuance. Accordingly, I place significant, but not overwhelming weight on your voter registration.

However, that voter registration is outweighed by the other information, including the lack of information, on the other factors in this case. In particular, I note that throughout the majority of the one-year residency period you maintained a driver's license in Washington state. In *Elwert v. Elwert*, 196 Or 256, 248 P2d 847 (1952) (cited by the court in *Kristof v. Fagan*), the court recognized the significance of where a person maintains a driver's license, specifically

noting that ORS 807.062(2) prohibits Oregon drivers from driving in Oregon without a state issued license.

Just as significant in my view is that you have been unable or unwilling to provide any information regarding the relevant time period for any of the other categories of information identified above. You have provided personal mail and utility service bills from both before and after that period, but none from November 2021 through March 2022. In addition, you provided no information whatsoever to our office regarding whether or where you register any motor vehicles, where any immediate family members reside, or the address from which you pay state or federal taxes. While I recognize that some of this information is personal and sensitive, some explanation of what information is available and what is not would be appropriate. As a result, the failure to provide any information or explanation has significant weight in my decision.

Persuasively, this office received unsolicited emails and an affidavit from a former employee attesting to your residence in Wilsonville, Oregon during at least November and December 2021. You have not provided any objective evidence to rebut the affidavit and, without some response or evidence otherwise, I have to accept it at face value.

Therefore, the evidence before me indicates you resided in Oregon City at the Tidewater Street address at some time prior to November 2021, shown by the voter's registration and other letters, for an unknown amount of time. I am unable to determine when you stopped residing at the Tidewater Street address. The affidavit from Woyvnee Grey indicates you resided in Wilsonville, OR in November and December 2021, which indicates you were not a resident at those times. The next evidence of residency is established with the 3/31/2022 move-in date indicated on the utility bill from the Main Street apartment. You have provided several other materials listing the the Main Street address after the 3/31/2022 date, but none with a date between November 2021 and March 2022.

In order to run for elective office in the city of Oregon City, including the office of Mayor, you must have been a continuously a resident of the City for the 12-month period immediately preceding the election. Based on the objective facts before me, I cannot conclude that have met the residency requirement of Section 13 of the Oregon City Charter and, accordingly, I will not include your name as a candidate for the office of Mayor to the County Clerk under ORS 254.095.

Appeal Process

ORS 246.910 states that a person affected by any act of a city elections officer, may file an appeal to the appropriate circuit court. If you choose to appeal, my office will do everything possible to allow the Oregon courts to decide the matter promptly, with sufficient time, if possible, to meet the August 30, 2022, statutory deadline for this office to provide an official ballot statement to the county clerk and allow her to design, print, and mail ballots.

Sincerely,

A handwritten signature in black ink that reads "Jakob S. Wiley". The signature is written in a cursive style with a large, prominent 'J' and 'W'.

Jakob S. Wiley
City Recorder – City of Oregon City
Election Official