

LINDA K. WILLIAMS
ATTORNEY AND COUNSELOR
10266 S.W. LANCASTER ROAD
PORTLAND, OR 97219-6305
PHONE (503) 293-0399 • FAX (503) 245-2772

August 15, 2008

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463 :

AOR 2008-12

Re: ADVISORY OPINION REQUEST

RECEIVED
AUG 15 2008
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

Dear Commissioners:

The Independent Party of Oregon (hereinafter "IPO"), a state-recognized minor political party, seeks an advisory opinion that it qualifies as a State Party Committee of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations, including *inter alia*, 2 U.S.C. § 437, *et. seq.* and 77 CFR § 772, *et. seq.* The IPO recently received in excess of \$1000.00 for federal election activity and has filed an FEC-1. Exhibit A. I am the State Chair of the IPO and submit this request on behalf of the State Council of the IPO. Please address correspondence regarding this request to me.

IPO is a state recognized political party, certified as meeting the state requirements on January 24, 2007. The term "political party" is defined under 2 U.S.C. § 431(16) and 11 § CFR 100.15 as an association, committee, or organization that nominates a candidate for election to any Federal office. An individual becomes a candidate for purposes of the Act if he or she receives contributions aggregating in excess of \$5,000, or makes expenditures in excess of \$5,000. 2 U.S.C. § 431(2).

The Independent Party of Oregon is a Political Party With Ballot Access for Candidates.

I attach the letter from the Elections Division of the State of Oregon, certifying that the IPO was duly formed [Exhibit B], a memorandum to Oregon County Election Clerks confirming this party status [Exhibit C] and a letter dated August 6, 2008, from the Elections Division confirming that the IPO has maintained its ballot status and may nominate candidates in this general election cycle. Exhibit D.

Since its formation, IPO has conducted its day-to-day affairs in compliance with state law and its own bylaws. Oregon registers voters by party preference [Exhibit E] and IPO has gained registrants each month. It is now the third largest political party in the state, with registered voters as members under state law in every county. See Exhibit F, voter registration statistics from the Elections Division for the period ending July 31, 2008.

The IPO, acting through its three-member State Council is solely responsible for the day-to-day operations of the political party at the State level. 2 U.S.C. § 431(15); 11 CFR § 100.14. Bylaws, Exhibit G. The Bylaws delineate activity commensurate with the day-to-day functions and operations of a political party on a state level, in particular § IV.A (6):

- a. The responsibilities of the State Council shall include:
- b. Appointing officers and senior advisers;
- c. Managing day-to-day activities of the operation of the Party;
- d. Budgeting and finances, including seeking contributions and assisting candidate's fundraising efforts;
- e. Maintaining compliance with state and federal election law requirements;
- f. Scheduling and conducting voting for delegates to nominating caucuses;
- g. Scheduling and conducting state conventions;

- h. Representing statewide IPO interests;
- i. Establishing procedures for considering endorsements of persons who are candidates for offices not sought by IPO candidates;
- j. Establishing procedures for considering positions of support or opposition to state and local petitions and measures relating to the party principles;
- k. Making binding interpretations of state organizational documents;
- l. Appointing standing and ad hoc committees;
- m. Adopting amendments to the Bylaws;
- n. Taking steps necessary to function as a state party committee within the meaning of 11 CFR 100.05, *et seq.*; and
- o. Any other duties that may arise requiring statewide coordination and administration efforts.

These duties satisfy 2 U.S.C. § 431(15) and 11 CFR § 100.14(a).

More specifically, IPO conducts regular activities. It has a bank account. Its state political committee is called "Independent Oregon Political Committee." It maintains a bank account in that name for state party activities and conforms to state campaign finance reporting requirements. It regularly reports its financial activity through its Treasurer on the on-line system, ORESTAR. IPO maintains a website and communicates with its members (through password secured portal) and the general public. It has conducted remote internet voting for delegates to nominate candidates. It regularly updates its communications on its website. The State Council has also registered a state trademark on the phrase "Independent Party of Oregon," and the State Council Secretary sends out press releases on activities and participates in local public information events.

The State Council is the official party structure of the party within the state; it is not affiliated with a national political party or committee. The fact that the IPO is not affiliated with a recognized national committee does not prevent its recognition as a State Committee of a political party. See Advisory Opinions 2001-2, 2000-39, 2000-35, 2000-27, 2000-21, and 2000-14.

The IPO Has Nominated a Candidate for Federal Office Who Has Raised Over \$5000.

The IPO has conducted nominations for state and federal office process under state law. One candidate for the federal office of United States Senator is Jeff Merkley. The SEL-110 is the document filed by a minor political party in Oregon after its nomination process for any partisan state office is complete. ORS 249.705. A copy of the completed and filed SEL 110 for Mr. Merkley is attached. Exhibit H. The nominated candidate must accept the nomination and so state on the form, as Mr. Merkley has done.¹ Having obtained the right to ballot access and submitting the nomination certificates for one or more candidates further confirms that the IPO is a political party.

Candidate Jeff Merkley, seeking the office of U.S. Senator, has received contributions or made expenditures in excess of \$5,000 in his campaign, according to disclosure reports filed with the Commission, and, therefore, satisfies the Act's definition of a "candidate." 2 U.S.C. §§ 431(2), 431(15) and 431(16); 11 CFR §§ 100.3(a), 100.14(a) and 100.15; see also

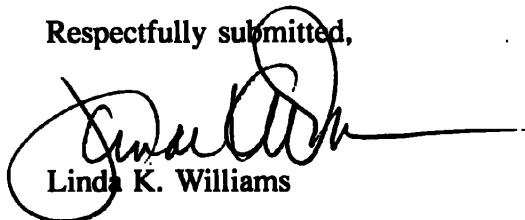
1. Under Oregon law, a candidate for any partisan office may accept multiple party nominations,

Advisory Opinions 2007-02 (Arizona Libertarian Party), 2004-40 (Libertarian Party of Maryland), 2004-34 (Libertarian Party of Virginia), and 2003-27 (Missouri Green Party).

A second nominated candidate for federal office is Joel Haugen, nominated for United States House of Representatives, First District of Oregon. A copy of the completed and filed SEL 110 for Mr. Haugen is attached. Exhibit I. It is expected that Candidate Joel Haugen will have received contributions or made expenditures in excess of \$5,000 in his campaign by the time the Commission reviews this request.

Based on the foregoing description and the Exhibits hereto, IPO requests an Advisory Opinion that the IPO qualifies as a State Party Committee of a political party under the Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda K. Williams", with a long horizontal line extending to the right.

Linda K. Williams

INDEPENDENT PARTY OF OREGON REQUEST FOR ADVISORY OPINION EXHIBITS

DOCUMENT

EXHIBIT

FEC-1 **A**

**Letter from Margie Franz, Compliance Specialist,
Elections Division, to Linda Williams, dated January 24, 2007,
stating that, "the Independent Party had submitted
sufficient valid signatures upon formation petitions
to qualify as a minor political party."** **B**

**Memorandum from John Lindback, Director of Elections,
to County Elections Clerks, dated February 5, 2007,
instructing them on the qualification of the
Independent Party as a statewide party.** **C**

**Letter from Summer Davis, Compliance Specialist,
Elections Division, to Linda Williams dated August 6, 2008,
confirming that the Independent Party has maintained sufficient
registration so that it remains qualified to nominate
candidates this election cycle.** **D**

Voter Registration Card **E**

**Voter registration statistics from the Elections Division
for period ending June 30, 2008** **F**

Bylaws **G**

**Certificate of Nomination for Jeff Merkley, for
United States Senate, duly accepted by Mr. Merkley,
and certified by a party officer.** **H**

**Certificate of Nomination for Joel Haugen,
for the First Congressional District, duly accepted
by Mr. Haugen, and certified by a party officer** **I**

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Independent Party of Oregon

ADDRESS (number and street) 9220 SW Barbur Blvd Suite 119-254 (Check if address is changed) Portland OR 97219 CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS treasurer@INDPARTY.com

COMMITTEE'S WEB PAGE ADDRESS (URL) www.Indparty.com

COMMITTEE'S FAX NUMBER 206 - 600 - 3088

2. DATE 08 / 14 / 2008

3. FEC IDENTIFICATION NUMBER C

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Linda K. Williams

Signature of Treasurer [Handwritten Signature] Date 08 / 14 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 12/2007) EXHIBIT A PAGE 1 OF 1

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation	Office Sought:	House	Senate	President	State District
-----------------------------	----------------	-------	--------	-----------	----------------

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a State (National, State or subordinate) committee of the Independent (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Corporation w/o Capital Stock	<input type="checkbox"/> Labor Organization
<input type="checkbox"/> Membership Organization	<input type="checkbox"/> Trade Association	<input type="checkbox"/> Cooperative

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number C
2. _____ FEC ID number C
3. _____ FEC ID number C
4. _____ FEC ID number C
5. _____ FEC ID number C

EXHIBIT A
PAGE 2 OF 4

Write or Type Committee Name

Independent Party of Oregon

6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

None

Mailing Address

CITY

STATE

ZIP CODE

Relationship:

Connected Organization

Affiliated Committee

Leadership PAC Sponsor

X Joint Fundraising Representative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Kevin F. Neely

Mailing Address

2236 SE 10th Avenue

Portland

OR

97214

CITY

STATE

ZIP CODE

Title or Position

Treasurer

Telephone number

503

295

1851

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

Linda K. Williams

Mailing Address

320 S.W. Stark St, Suite 202

Portland

OR

97204

CITY

STATE

ZIP CODE

Title or Position

Telephone number

503

224

2647

Full Name of Designated Agent

Kevin F. Neely

Mailing Address

2236 SE 10th Avenue

Portland

CITY

OR

STATE

97214

ZIP CODE

Title or Position

Telephone number

503

295

1851

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

West Coast Bank

Mailing Address

PO Box 827

Salem

CITY

OR

STATE

97308

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION

JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

January 24, 2007

Linda K Williams
10266 SW Lancaster Rd
Portland OR 97219

Dear Ms. Williams:

Verification of signatures on your petition submitted as the Independent Party has been completed. The results of the verification show the Independent Party petition contained enough valid signatures to qualify as a minor political party statewide.

The Working Families Party of Oregon needed 18,908 valid signatures to qualify as a statewide minor political party. The Elections Division determined that the petition contained 20,764 valid signatures.

If you have any other questions regarding this matter, call me at 503-986-1518.

Sincerely,

Margie Franz
Compliance Specialist
Elections Division

EXHIBIT B
PAGE 1 OF 1

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION

JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS—(503) 986-1518
FAX—(503) 373-7414

M E M O R A N D U M

TO: County Elections Officials
FROM: John Lindback
DATE: February 5, 2007
SUBJECT: Independent Party

It is determined that the petition for forming a statewide minor political party named Independent Party has submitted sufficient valid signatures. Because they have achieved status as a minor political party they are eligible to nominate candidates to any partisan office in the state that is open for the General Election of November 4, 2008.

This minor political party has been added to OCVR. However, we will not revise the cardstock version of the voter registration card to include this party until the current supply is depleted. In the meantime, persons wishing to register in this party may mark "other" and write-in the party name, Independent Party. Per legal counsel advice those who simply denote "Independent" should still be registered as members of the Independent Party.

We will immediately revise the web based voter registration card to include the Independent Party.

In addition, electors registered as "Independent" before January 24, 2007, must reregister as affiliated with the current Independent Party. Only persons who register as members of the Independent Party after January 24, 2007, will be counted toward the political party registration requirement in ORS 248.008.

Remember it is the county clerk's responsibility to interpret the party affiliation declared by the person on the card. In some cases the clerk may choose to contact the registrant to clarify the person's intent. However, the decision to contact registrants or not is wholly within the elections official's discretion.

Please call on this office if you have any questions. Thank you.

EXHIBIT C
PAGE 1 OF 1

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

August 6, 2008

Linda K. Williams, Chair
Independent Party
10266 SW Lancaster Rd
Portland OR 97219

Dear Ms. Williams:

As required by ORS 248.008(4), the Independent Party of the State of Oregon has registered party members equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. According to August 6, 2008, registration statistics, the total Independent Party membership is 23,684. This total exceeds the required membership of 1,380.

The Independent Party is eligible to nominate candidates for the 2008 General Election.

Sincerely,

A handwritten signature in cursive script that reads "Summer Davis".

Summer Davis
Compliance Specialist

YOUR VOTER REGISTRATION CARD

You may use this card to:

register to vote in Oregon
the deadline to register to vote is the 21st day before an election.

change your name, mailing address, residence address or political party affiliation
in your voter registration

become eligible to sign petitions, including initiative, referendum and recall petitions

How to register to vote

Fill out the form using black pen and print clearly.

the form is incomplete, it may be rejected.

sign the form.

Mail or drop off the completed form at your County Elections Office.

dresses are on the back of this form.

Your County Elections Office will mail you a Voter Notification Card to confirm
your registration.

Selecting a political party

Some political parties require you to be registered in their party to vote for their
candidates at a Primary Election.

Identification

Some laws require that people must provide identifying information to register to vote.

*You have a current, valid Oregon DMV Driver's License/ID, you must provide that
number in section 4.*

suspended Driver's License is still valid, a revoked Driver's License is NOT valid

*You do not have a current, valid Oregon DMV Driver's License/ID, you must provide
the last four digits of your Social Security number in section 4a.*

*You do not have a current, valid Oregon DMV Driver's License/ID or a Social Security
number, you must affirm this by marking the boxes in sections 4 and 4a, and if you are
registering by mail, you must provide a copy of one of the following:*

- Valid photo identification
- Valid paycheck stub
- Utility bill
- Bank statement
- Government document

Proof of eligibility under the Uniformed and Overseas Citizens Absentee Voting Act
(OCAVA) or the Voting Accessibility for the Elderly and Handicapped Act (VAEH)

Assistance

Because of a disability, you need assistance registering to vote or voting please
contact your County Elections Official.

For more information:

866 OREGON VOTES/673 8683 visit www.oregonvotes.org tty 1 866 350 0596

866 OREGON VOTES/673 8683 visit www.oregonvotes.org tty 1 866 350 0596

866 OREGON VOTES/673 8683 visit www.oregonvotes.org tty 1 866 350 0596

866 OREGON VOTES/673 8683 visit www.oregonvotes.org tty 1 866 350 0596



SEL

1 qualifications *If you mark no in response to either of these questions, do not complete this card.*

Are you a citizen of the United States of America? **Oyes** **Ono**
Are you at least 17 years of age? **Oyes** **Ono**

If you are 17 years of age, you will not receive a ballot until an election occurs on or after your 18th birthday.

2 personal information **denotes optional information*

name last first middle

Oregon residence address (include apt. or space number) city zip code

date of birth (month/day/year) county of residence*

phone number* email address*

mailing address (required if different than residence address) city zip code

3 political party *choose one of the following*

- Constitution Party Democratic Party Independent Party
- Libertarian Party Pacific Green Party Republican Party
- Working Families Party Not a member of a party Other

4 Oregon DMV Driver's License/ID number *If you fill in this section, do not send a copy of ID*

valid Oregon DMV Driver's License/ID number

Mark here only if you do not have a valid Oregon DMV Driver's License/ID and go to step 4a.

4a last four digits of Social Security number *If you fill in this section, do not send a copy of ID*

X X X - X X -
last four digits of Social Security number

Mark here only if you do not have a valid Oregon DMV Driver's License/ID or a Social Security number. If you are registering by mail, please include a copy of acceptable identification, listed to the left.

5 signature *Is your co-affirmant an eligible voter and have you told the truth on this registration card?*

sign here date today

1 *If you sign this card and know it to be false, you can be fined up to \$750,000 and/or jailed for up to 5 years.*

6 registration updates *If you are previously registered and updating your information, fill out this section*

previous registration name previous county and state

home address on previous registration date of birth (month/day/year)

**VOTER REGISTRATION BY COUNTY
JULY 2008**

COUNTY	DEMOCRAT	REPUBLICAN	LIBERTARIAN	PACIFIC GREEN
Baker	3,095	4,649	51	17
Benton	22,722	14,154	253	345
Clackamas	87,927	77,396	1,272	560
Clatsop	9,591	6,268	164	77
Columbia	12,684	8,296	214	71
Coos	15,092	12,459	248	144
Crook	3,770	5,238	61	18
Curry	4,871	5,853	110	49
Deschutes	31,291	34,528	630	353
Douglas	21,634	27,831	416	115
Gilliam	429	559	8	1
Grant	1,253	2,231	19	7
Harney	1,139	2,216	23	2
Hood River	4,845	3,172	64	59
Jackson	42,739	45,589	820	500
Jefferson	3,364	3,910	61	16
Josephine	16,018	21,683	472	247
Klamath	10,152	16,752	218	72
Lake	1,148	2,257	30	3
Lane	96,040	57,178	1,238	1,056
Lincoln	12,534	7,620	177	127
Linn	22,183	23,802	341	185
Malheur	3,186	6,418	54	8
Marion	56,036	55,053	817	356
Morrow	1,533	1,899	31	2
Multnomah	231,316	72,808	2,621	3,087
Polk	15,138	16,223	231	110
Sherman	386	586	9	3
Tillamook	6,649	4,974	105	36
Umatilla	9,998	13,034	208	43
Union	4,727	6,467	77	23
Wallowa	1,472	2,406	32	6
Wasco	5,612	4,568	80	29
Washington	108,451	86,889	1,839	758
Wheeler	306	407	6	1
Yamhill	17,442	19,176	368	155
TOTALS	886,773	674,549	13,368	8,641

EXHIBIT F
PAGE 1 OF 2

VOTER REGISTRATION BY COUNTY (CONT.)
JULY 2008

COUNTY	CONSTITUTION	WORKING FAMILIES	INDEPENDENT	NON AFFILIATED	OTHER	TOTAL
Baker	20	3	139	2,034	72	10,080
Benton	36	9	583	9,221	223	47,546
Clackamas	227	82	1,991	41,519	3,295	214,269
Clatsop	22	16	193	4,715	371	21,417
Columbia	104	14	326	5,716	332	27,757
Coos	91	20	387	6,975	683	36,099
Crook	5	10	201	2,229	267	11,799
Curry	22	6	197	2,503	250	13,861
Deschutes	97	25	1,403	18,338	1,506	88,171
Douglas	103	55	685	10,991	1,151	62,981
Gilliam	0	0	15	252	17	1,281
Grant	3	2	34	852	59	4,460
Harney	5	1	26	772	4	4,188
Hood River	15	7	122	2,506	117	10,907
Jackson	181	93	1,786	22,264	1,261	115,233
Jefferson	21	5	137	1,853	136	9,503
Josephine	123	35	642	10,226	881	50,327
Klamath	103	21	487	6,326	294	34,425
Lake	3	0	35	581	60	4,117
Lane	266	69	2,399	37,923	3,310	199,479
Lincoln	31	14	397	6,035	106	27,041
Linn	78	31	761	11,933	956	60,270
Malheur	22	12	82	2,448	85	12,315
Marion	284	97	1,506	27,315	2,153	143,617
Morrow	7	5	102	1,039	35	4,653
Multnomah	465	499	4,754	82,291	6,904	404,745
Polk	83	16	484	7,812	92	40,189
Sherman	2	0	4	206	6	1,202
Tillamook	18	9	149	3,020	196	15,156
Umatilla	51	31	340	7,104	613	31,422
Union	27	5	143	2,595	213	14,277
Wallowa	4	1	36	745	42	4,744
Wasco	18	4	110	2,705	239	13,365
Washington	267	536	2,948	57,179	1,847	260,714
Wheeler	2	0	8	161	20	911
Yamhill	98	27	568	10,124	761	48,719
	2,904	1,760	24,180	410,508	28,557	2,051,240

EXHIBIT F
PAGE 2 OF 2

BYLAWS OF THE INDEPENDENT PARTY

SECRETARY OF THE STATE
STATE OF OREGON

2013 JAN 25 11:10:57

RECEIVED

Bylaws Article I Name.

The legal name of this organization is the Independent Party of Oregon (hereinafter "IPO" or "the Party").

Bylaws Article II Purpose and Mission Statement.

The Independent Party of Oregon is dedicated to:

- > encouraging voter participation and involvement in the democratic process
- > advocating election and government reform
- > reducing the electoral advantages of incumbency
- > reducing the corrupting influence of campaign contributions and "independent expenditures" upon candidates, office-holders and government policy decisions
- > replacing special interest legislation with common sense solutions for the health, education, welfare and economic security of Oregonians
- > requiring fiscally sound decisions, transparently made, and a taxation system that assures that all taxpayers that benefit from Oregon's education system, quality of life and dedicated workforce contribute fairly for the common good

Bylaws Article III Membership.

There shall be two categories of membership.

- A. Member - As defined in ORS 248.002(4), an individual who is registered as being affiliated with the IPO.
- B. Supporting Member - A member of the party who subscribes to the Statement of Principles the IPO and has supported the IPO or efforts to implement the principles, in manner defined by rule by the State Council, and duly promulgated on the IPO website and by other means, within the previous year. The State Council shall

EXHIBIT G
PAGE 1 OF 11

specify at least two independently qualifying levels of support, one monetary and one non-monetary, and shall provide that the support requirement may be waived in part for good cause.

Bylaws Article IV Organization.

The Party is established as a participatory institution to assure fair and open opportunities for all interested members. All members are encouraged to participate at all state and local meetings in accordance with the Bylaws and to become supporting members.

A. State Council.

1. A State Council shall be comprised of 3 councilors with voting authority, each of whom shall be a member who has been a supporting member of IPO for at least one year prior to serving on the SC. The State Council councilors shall serve 3-year staggered terms, with one councilor elected each year.
2. The initial State Council shall be composed of the Sponsor of the IPO and two councilors appointed by the Sponsor. The Sponsor shall serve a 3-year term, and the other two councilors shall serve 1-year and 2-year terms, respectively, as designated upon appointment.
3. Thereafter, councilors shall be elected by the supporting members of the IPO.
4. If the State Council at any time has fewer than 3 councilors, it shall continue to operate and function, and as soon as practicable, shall fill vacancies.
5. When a vacancy occurs prior to expiration of a State Council councilor's term, the State Council may appoint a replacement to serve the remaining portion of the term.
6. The responsibilities of the State Council shall include:
 - a. Appointing officers and senior advisers;
 - b. Managing day-to-day activities of the operation of the Party;

EXHIBIT G
PAGE 2 OF 11

- c. Budgeting and finances, including seeking contributions and assisting candidate's fundraising efforts;
- d. Maintaining compliance with state and federal election law requirements;
- e. Scheduling and conducting voting for delegates to nominating caucuses;
- f. Scheduling and conducting state conventions;
- g. Representing statewide IPO interests;
- h. Establishing procedures for considering endorsements of persons who are candidates for offices not sought by IPO candidates;
- i. Establishing procedures for considering positions of support or opposition to state and local petitions and measures relating to the party principles;
- j. Making binding interpretations of state organizational documents;
- k. Appointing standing and ad hoc committees;
- l. Adopting amendments to the Bylaws;
- m. Taking steps necessary to function as a state party committee within the meaning of 11 CFR 100.05, *et seq.*; and
- n. Any other duties that may arise requiring statewide coordination and administration efforts.

B. Officers and Senior Advisers.

The officers to be appointed by the State Council and to serve at its pleasure shall be one or more chairpersons, a secretary, and a treasurer. Officers may be appointed for professional experience in relevant skills and need not be supporting members. An officer may hold more than one office.

EXHIBIT 9
PAGE 3 OF 11

The State Council may appoint senior advisors, who may participate as non-voting members of the State Council decisions.

C. Affiliated Chapters.

1. The IPO State Council may grant charters to groups of IPO members seeking to establish affiliated party organizations within a subdivision of the State or within the geographic district.
2. Chapters are the primary grassroots organizations of the party and the primary forums for exchange of independent ideas and grassroots political change. The State Council shall supply chapters with information and expertise, upon request.
3. Any 15 supporting members may apply to form a party chapter by providing the following information to the Party secretary:
 - a. The names of those 15 supporting members;
 - b. The name of the proposed chapter;
 - c. The geographic boundaries of the proposed chapter;
 - d. The name of a designated liaison to the State Council; and
 - e. Either the name of a designated treasurer or a statement that the chapter will not accept contributions or make expenditures.
4. The State Council shall either accept or reject the chapter application. A rejection shall be for written cause.
5. The State Council may revoke an existing chapter for cause, stated in writing and sent to the designated liaison by registered mail or delivery service which requires the recipient's signature.
6. The State Council may require chapters to register political committees with the appropriate filing officers prior to receiving contributions.

EXHIBIT G
PAGE 4 OF 11

7. Chapters shall notify the Party secretary of any changes to the designated liaison within 3 days of the change.
8. A member may join as many IPO chapters as desired.
9. Each chapter shall submit a roster of its members to the Party secretary every six months.
10. In all state Party documents, except the Constitution, references to non-state-level matters, such as chapters, shall be either explicit or immediately clear from context. All other references are understood to apply exclusively to state-level Party operations.
11. No chapter may endorse a candidate for election to public office, if the state Party has nominated or endorsed a different candidate for the same office. Nor shall any chapter take positions on other electoral matters (such as endorsing ballot measures or the associated signature drives) that are contrary to the positions of the state Party.

Bylaws Article V

Nominating Authority and Endorsement Authority.

A. Definitions.

1. "Nomination" means selection by the IPO of a candidate as defined by ORS 249.002(1) for a partisan political office under procedures set out in ORS 249.705 - .722.
2. "Endorsement" means the official approval of the candidacy of a person for partisan elective office who does not meet the criteria for nomination as an IPO candidate for partisan political office or who cannot be a candidate of the IPO pursuant to ORS 249.002(1).

B. During the first biennial election cycle after the formation of the IPO, and until changed by amendment to these Bylaws, the nominating and endorsement authority for all offices shall reside in the IPO Caucus.

C. The IPO Caucus shall be composed of three delegates who are supporting members elected by the State Council and two delegates who are members nominated and elected by the members of the IPO according to these Bylaws.

EXHIBIT 6
PAGE 5 OF 11

D. Selection of the IPO Caucus Delegates.

1. **Within 10 days of being apprised by the Secretary of State that there are greater than 10,000 members of the IPO, as defined in ORS 248.002(4), the State Council shall:**
 - a. **Elect three delegates who are supporting members to the IPO Caucus; and**
 - b. **Announce on the Official IPO Website of the Independent Party (www.indparty.com) that members may submit nominations for the other two IPO Caucus delegate seats.**

2. **Within 21 additional days, the State Council shall:**
 - a. **Publish on the Official IPO Website a list of the members nominated for the two IPO Caucus delegate seats; and**
 - b. **Announce the starting date and ending date for members to vote for one or more of these nominees.**

3. **In order to achieve an equal opportunity for all members to participate in selecting delegates to the IPO Caucus, this election may be conducted in person, by mail, on the internet, or by a combination of methods.**
 - a. **Notice of the procedures for authenticating internet voting shall be provided on the Official IPO Website prior to the date that membership voting may occur.**
 - b. **Additional notice of internet nominating activity and elections shall, as deemed necessary by the State Council, be given by means reasonably calculated to reach members.**
 - c. **The State Council shall adopt a process for authenticating internet voting so that it is limited to persons who are actual members of the IPO at the time the election is announced and shall take other reasonable steps to assure the security and integrity of the process.**

EXHIBIT G
PAGE 6 OF 11

- E. Delegates to the IPO Caucus must be members in good standing when nominated and remain in good standing throughout their terms.
- F. Nominations of Candidates.
 - 1. IPO Caucus shall:
 - a. Choose and give notice of a Caucus date;
 - b. Compile a list of suggested candidate nominees and invite suggestions for candidate nominees from all members for a period ending 3 days before the date of a Caucus;
 - c. Take reasonable steps to contact candidate nominees and determine whether they are qualified for nomination as a candidate of the IPO and would accept such nomination;
 - d. Afford an opportunity for each qualified candidate nominee to meet with the Caucus;
 - e. Select a nominee by Caucus upon a date determined by the IPO Caucus, according to rules established by the Caucus.
 - f. Report the results of any Caucus to the members on the Official IPO Website and any other means reasonably calculated to publicize the result.
 - 2. The IPO Caucus may, by unanimous vote, delegate nominating authority for a non-statewide offices to a IPO Community Caucus composed of no less than five delegates who are supporting members nominated and elected after notice periods and process set at § V.B.
 - 3. The IPO Caucus may, may by unanimous vote, delegate nominating authority for an office to a membership nominating convention for supporting members eligible to vote for the candidate.
 - 4. To be qualified as a candidate, a nominee for an elective office must have been a member in good standing of the IPO for at least six months at the time of the nominating

caucus or convention, unless the IPO Caucus, by unanimous vote, waives this requirement for good cause.

G. Endorsements of Candidates.

The IPO Caucus may endorse candidates for public office who are not IPO members under procedures to be adopted by the IPO Caucus.

Bylaws Article VI Conventions.

- A. A statewide convention shall be held at least once each calendar year after the first year in which the IPO is certified by the Secretary of State of Oregon as a minor political party.
- B. Any convention at which for nominations for elective office are considered shall be publicized as required in ORS 248.009(3) for nominating conventions, and, if deemed necessary by the SC, additional notice may be given by means reasonably calculated to reach members.
- C. Convention rules shall be adopted and/or amended at any duly constituted state convention by a simple majority vote of the supporting members attending.
- D. Votes taken at a convention specific to candidate nominations and endorsements and ballot measure endorsements may be taken using absentee ballots. The State Council shall establish procedures using absentee voting at a convention.
- E. For the purpose of attendance at a convention, attendance by any interactive means which may be verified shall be sufficient, and a convention may be conducted solely by appropriate interactive technology.

Bylaws Article VII Amendments.

The Bylaws may be amended by either the State Council or by two-thirds vote of supporting members attending a convention duly noticed for that purpose.

EXHIBIT 6
PAGE 8 OF 11

Bylaws Article VIII Rules of Order.

- A. The IPO encourages independent thought, creative thinking and real solutions. We do not strive for consensus but for challenging ideas and encouraging input from all members regarding important matters. After full deliberation, the IPO shall operate by majority vote.
- B. During open discussions all attendees are encouraged to participate in a respectful and constructive manner. The group may appoint a facilitator, process observer and/or timekeeper. The goal of a discussion is an open exchange of ideas without personal biases and criticism.
- C. Robert's Rules of Order shall be employed, if necessary.
- D. Unless otherwise specified in this document, all decisions by the IPO at convention will be made by each supporting member in good standing present casting one vote, with a majority of affirmative votes required for passage. A majority is defined as one more than half the total votes cast.
- E. Certain Actions Require two-thirds vote for approval. Amendments to the Mission Statement, the Statement of Principles, the Constitution or Bylaws shall require an affirmative vote of two-thirds of the supporting members eligible to vote and voting at a convention or meeting. There shall be no voting by mail or proxy on these items. All proposed changes must be received by the State Council 20 days before the convention or meeting. Anyone proposing a change shall provide sufficient copies for each member of the State Council and for the party officers. The State Council shall seek to disseminate the proposed changes as widely as possible.

Bylaws Article IX Platform.

The IPO may adopt a Platform consistent with the Mission Statement and Statement of Principles. The Platform shall consist of a number of planks which shall state the Party position on specific issues. The Platform shall be considered plank by plank, and each plank must pass a two-thirds vote of the supporting members present in order to be adopted. The adoption of the Platform may be done by membership convention or on-line debate and vote consistent with the provisions for such functions provided in these Bylaws.

Bylaws Article X Expulsion of Chapters, Individuals or State Council Personnel.

- A. The IPO has the right to expel an individual who demonstrably violates the party principles. Expulsion shall require a unanimous vote of the State

Council or a two-thirds vote of the supporting members present and voting on such a resolution at a convention.

- B. State Council personnel can be removed for cause by a three-fourths vote of supporting members qualified to vote at any statewide meeting.

Bylaws Article XI Finances.

- A. All contributions and funds raised by the Party shall be handled through the Independent Oregon Political Committee (IOPC).
- B. Decisions regarding finances are the responsibility of the State Council, in consultation with the officers.
- C. Party candidates shall form their own political committees, in accordance with law.
- D. Any statewide Party funds to be spent on salaries or other remuneration to individuals or entities must be approved by the State Council.
- E. Recognized chapters may raise funds as the "Independent Party of Oregon" if the State Council authorizes such fundraising in advance and the Chapter sends all funds raised thereby to the IPO treasurer to account for and deposit such funds.

Bylaws Article XII State Outreach.

- A. An action or event may be called in the name of the "Independent Party of Oregon" only with the approval of the State Council or the supporting membership at a convention.
- B. Anything carrying the "Independent Party of Oregon" name must be approved by the State Council before being distributed. Chapters must use the party name and symbol with their chapter designation (e.g., Eugene Chapter of the Independent Party of Oregon).
- C. All members may identify themselves as members of the "Independent Party of Oregon" in any statement, commentary or expression they produce, but only designated spokespeople appointed by the State Council may speak on behalf of the State Party or issue press materials in the name of the Independent Party of Oregon.

EXHIBIT 3
PAGE 10 OF 11

I declare from my personal knowledge, and with the understanding that my declaration may if necessary, be used in any relevant legal proceeding, under penalty of perjury of the laws of the State of Oregon, that the foregoing is a true and correct copy of the Bylaws of the Independent Party adopted December 31, 2007.

Dated: December 31, 2007

Portland, Oregon

EXHIBIT G
PAGE 4 OF 4

**Filing of Candidacy for Minor Political Party by Certificate
of Nomination for General Election Only**

SEL 110
rev 1/08 ORS 249 720

This information is a matter of public record and may be published or reproduced.

please type or print legibly in black ink

candidate name

Jeff Merkley
how name should appear on ballot

filing for office of

United States Senate
district or position number

1351 SE 114th Ave., Portland, OR 97216
residence address street, city, state, zip code

Multnomah
county of residence

503-252-8770
home phone

503-274-4439
work phone

971-544-1478
fax

jeff@jeffmerkley.com
email address

www.jeffmerkley.com
website

PO Box 29136, Portland, OR 97296
mailing address where all correspondence will be sent

Independent Party of Oregon
name of minor political party

Secretary of State of Oregon County Elections Official of _____ County.

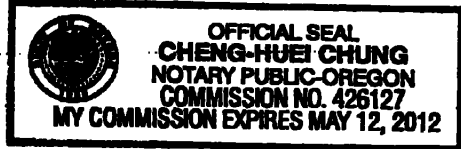
I swear the statements on this certificate and any related documents are true.

[Signature] (State Chair)
signature of officer of minor political party

Aug 5, 2008
date signed

State of Oregon, County of Multnomah
Subscribed before me this 5th day of August, 2008

name of officer of minor political party



Cheng-Huei Chung
judge or notary public

May 12, 2012
my commission expires

	Filing for Candidacy	Filing for State Voters' Pamphlet	Withdrawing Nomination
First Day:	June 6, 2008	June 6, 2008	
Last Day:	August 26, 2008	August 26, 2008	August 29, 2008

required information (if no relevant information, list "None")

↓ occupation present employment - paid or unpaid

Speaker of the Oregon House of Representatives

↓ occupational background previous employment - paid or unpaid

Executive Director, Portland Habitat for Humanity
National Security Analyst, Pentagon & Congressional Budget Office
President, Oregon World Affairs Council

EXHIBIT H
PAGE 1 OF 2

required information (if no relevant information, list "None")

educational background schools attended, use attachment if needed

David Douglas High School

Stanford, BA, International Relations

Princeton, MA, Public Policy

Executive Director, Portland
Habitat for Humanity
Board of Directors

other

prior governmental experience elected or appointed

Speaker of the Oregon House, 2007
Oregon House Democratic Leader, 2003
Oregon State Representative, 1999

By signing this document, I hereby state:

- that I will accept the nomination for the office indicated
- that I will qualify for said office if elected and
- that all information provided by me on this form, including my occupation, educational and occupational background, and prior governmental experience, is true to the best of my knowledge

Check the applicable box (not applicable to candidates for federal office - US Senate and US Representative):

- By marking this box, I certify I do not have an existing candidate's committee and I do not expect to spend more than \$300 or receive more than \$300 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$300 during a calendar year, I must follow the requirements detailed in the 2008 Campaign Finance Manual.
- By marking this box, I certify that I have already filed or will soon file a Statement of Organization for Candidate Committee (SEL 220). For detailed instructions, see the 2008 Campaign Finance Manual.

candidate's signature

Jeffrey A. Mahley

7/23/08
date signed

This information is a matter of public record and may be published or reproduced.

Warning

Submitting false information on this form may result in criminal penalties. Candidates are required to file a Statement of Organization for Candidate Committee (SEL 220) with the Secretary of State. Failure to file a Statement of Organization for Candidate Committee may result in the candidate being ineligible to run for office.

for office use only

initials

candidate ID number

receipt number

candidate committee ID number

office number

EXHIBIT H
PAGE 1 OF 2

SECRETARY OF THE STATE

8 AM 10:59

**Filing of Candidacy for Minor Political Party by Certificate
of Nomination for General Election Only**

SEL 110
rev 1/08: ORS 248.728

This information is a matter of public record and may be published or reproduced.

please type or print legibly in black ink

candidate name

Joel Haugen
how name should appear on ballot

filing for office of

1st District U.S. Congress
district or position number

52363 SW Jobin Lane, Scappoose, Oregon 97056
residence address street, city, state, zip code

Columbia
county of residence

503-543-6879
home phone

503-819-0846
work phone

fax

email address

joel@haugenforcongress.net

website

www.joelhaugenforcongress.com

PO Box 316
mailing address where all correspondence will be sent

Vernonia

OR 97064

Independent
name of minor political party

Secretary of State of Oregon

County Elections Official of _____ County.

I swear the statements on this certificate and any related documents are true.

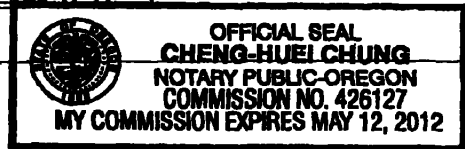
[Signature] (State chair)
signature of officer of minor political party

Aug 5, 2008
date signed

State of Oregon, County of MULTNOMAH

Subscribed before me this 5th day of August, 2008.

name of officer of minor political party



[Signature]
judge or notary public

May 12, 2012
my commission expires

2008 General Election Filing Dates

	Filing for Candidacy	Filing for State Voters' Pamphlet	Withdrawing Nomination
First Day:	June 6, 2008	June 6, 2008	
Last Day:	August 26, 2008	August 26, 2008	August 29, 2008

required information (if no relevant information, list "None")

↓ occupation present employment - paid or unpaid

Self Employed

↓ occupational background previous employment - paid or unpaid

Public School Teacher

EXHIBIT I
PAGE 1 OF 2

continued on the reverse side of this form

SEL 110

required information (if no relevant information, list "None")

educational background schools attended, use attachment if needed

Portland State University n/a teacher certification secondary science

Western Illinois University n/a MA geography

St Cloud State University n/a none geography

Bemidji State University n/a BA geography

other

Bemidji High School 12 diploma general

prior governmental experience elected or appointed

- Scappoose Park & Recreation District
Columbia County Solid Waste Advisory Committee
Columbia County Citizens Planning Advisory Committee
Scappoose Planning Commission

By signing this document, I hereby state:

- > that I will accept the nomination for the office indicated
-> that I will qualify for said office if elected and
-> that all information provided by me on this form, including my occupation, educational and occupational background, and prior governmental experience, is true to the best of my knowledge

Check the applicable box (not applicable to candidates for federal office - US Senate and US Representative):

- [] By marking this box, I certify I do not have an existing candidate's committee and I do not expect to spend more than \$300 or receive more than \$300 during each calendar year.
[] By marking this box, I certify that I have already filed or will soon file a Statement of Organization for Candidate Committee (SEL 220).

Handwritten signature of Joel A. Ha...

candidate's signature

Handwritten date 7/28/08

date signed

This information is a matter of public record and may be published or reproduced.



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. (ORS 260.715) A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. (ORS 249.013(3))

for office use only

initials

candidate ID number

receipt number

candidate committee ID number

office number

EXHIBIT I PAGE 1 OF 2

Vertical stamps: SECRET OF THE STATE, 2008 AUG - 8 AM 10:59, PRC-1111

LINDA K. WILLIAMS
ATTORNEY AND COUNSELOR
10266 S.W. LANCASTER ROAD
PORTLAND, OR 97219-6305
PHONE (503) 293-0399 • FAX (503) 245-2772

RECEIVED
FEDERAL ELECTION COMMISSION
2008 AUG 26 PM 1:56

August 26, 2008

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463

Re: INDEPENDENT PARTY OF OREGON SUPPLEMENTAL RESPONSES AND MATERIALS IN SUPPORT OF REQUEST FOR ADVISORY OPINION

This is a supplemental proffer made to complete and supplement the AOR dated August 15, 2008, and made in response to telephone inquiries from Mr. Al Kiss and Mr. Johnny Levine, to undersigned on August 21, 2008.

In Oregon, all voting is conducted by mail. General election ballots will be mailed on or about October 17, 2008. We respectfully request, that to the extent possible, this request be acted upon in sufficient to time to allow coordinated expenditures (if allowed), to commence by October 17, 2008. While this AOR is not made by a candidate [11 CFR § 112.4], if the Independent Party is deemed a state party committee, it would engage in coordinated activity with its federal candidate in mailing to Independent registrants and unaffiliated voters at or near the time ballots are mailed to voters. We request that this circumstance be considered closely related to an AOR under 11 CFR § 112.4(b)(1)-(2).

1. REQUEST FOR ADDITIONAL ORGANIZING DOCUMENT.

Enclosed is the Constitution of the Independent Party of Oregon. Exhibit A (Supplemental) ("A-Supp").

2. STATUS OF CANDIDATE JOEL HAUGEN.

Candidate Joel Haugen has not yet expended or received \$5000 for his federal election activity. We do not seek a determination of state party committee status based on Mr. Haugen's candidacy at this time.

3. JEFF MERKLEY'S NOMINATION AS A SENATE CANDIDATE OF THE INDEPENDENT PARTY OF OREGON IS CONFIRMED BY THE SECRETARY OF STATE'S ON-LINE SYSTEM.

The Oregon Secretary of State maintains a computer database, ORESTAR, of elections related data. A review of this system by General Counsel's office the week of August 18th indicated that Jeff Merkley, Independent Party nominee for the federal office of United States Senator, was a "pending," but not yet "qualified" candidate for federal office of the Independent Party. However, a search of ORESTAR on Monday, August 25, 2008, using the

inquiry fields "2008" and "Independent Party," shows "Jeff Merkley - (Independent)" with the notation "Yes" in the Qualified column (and also Joel Haugen). See Exhibit B-Supp.

4. OREGON BALLOT DESIGN ALLOWS ONLY THE NAME OF ONE NOMINATING PARTY TO APPEAR OPPOSITE A CANDIDATE'S NAME ON THE BALLOT.

Inquiry was made about the pendency of a suit brought in state court to apply Oregon's ballot design statute to include the names of minor parties which cross-nominate a candidate with the candidate's name on the general election ballot. This involved a state law issue of ballot design which is not a statutory prohibition on nominations by more than one political party (cross-nomination).

Under current interpretation of the ballot design statute in Oregon, although Jeff Merkley is qualified to appear on the ballot by virtue of his nomination by each of two Oregon political parties (Democratic and Independent), Mr. Merkley's name on the general election ballot will appear with only the name of the party with which he is registered and which has nominated him on the ballot (Democratic Party of Oregon).

Since statehood (1859) Oregon has always allowed partisan candidates to receive and accept multiple party nominations. After adoption of the "Australian Ballot" system, when the state assumed the role of designing the uniform appearance of ballots near the end of the 19th Century, Oregon ballots have allowed the candidate's name to appear once on the ballot, and have employed several different practices for listing the names of the nominating parties on the ballot.¹ The ballot design statute now reads:

1. Throughout most of the 20th Century the several nominating parties were listed opposite the candidate's name on the ballot. An Attorney General's Opinion, 28 AG Op 289 (1958), confirms that this kind of identifying label was the historical practice in Oregon, as shown in examples of pre-1958 ballot general election ballots available from State Archives, each containing cross-nominated candidates with each of two party names opposite the name of the cross-nominated candidate.

In 1957 the Legislature required that a candidate always be identified by the name of "his political party" regardless of cross-nominations.

ORS 250.110(3) (1957):

The name of each candidate nominated shall be printed upon the ballot in but one place, without regard to how many times he may have been nominated. ~~There shall be added opposite his name the name of the party or political designation. This shall be expressed in not more than three words for any one party, as specified in each of the certificates of nomination.~~ There shall be added opposite his name the name of his political party or his political designation. * * *

(continued...)

ORS 254.135(3)(a):

(3)(a) The name of each candidate nominated shall be printed upon the ballot in but one place, without regard to how many times the candidate may have been nominated. The name of a political party shall be added opposite the name of a candidate for other than nonpartisan office according to the following rules:

(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be added opposite the name of the candidate;

(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the name of the minor political party selected by the candidate shall be added opposite the name of the candidate;

(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be added opposite the name of the candidate;

(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the name of the political party selected by the candidate shall be added opposite the name of the candidate; and

(E) For a candidate who is nominated by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be added opposite the name of the candidate.

(b) If a candidate is required to select the name of a political party to be added on the ballot under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.

1.(...continued)

This language remained essential unchanged, despite other revisions to the remainder of the paragraph. In 1995 the definite article in the phrase, "the name of *the* candidate's political party," was changed to an indefinite article, "the name of *a* political party * * * according to the following rules * * *."

Generally, the Commission has concluded that a candidate's "association with more than one political party," or multiple nominations by political parties "is not relevant" in determination of the state party committee status of a minor party. AO 2000-14, p. 3 n3.

Nevertheless, in order to clarify the ballot design question, the Independent Party recently sought a declaration and preliminary injunction that for the purposes of a candidate such as Jeff Merkley, duly nominated and qualified for the Oregon general election ballot under procedures established by the state, who meets the criteria set out in Subsections (C) and (E) both party names should appear on the ballot--in this case, with the words "Democratic; Independent." Factually, both Subsections (C) and (E) apply to candidate Merkley, both are stated with a mandatory "shall," and the subsections are presented as cumulative, with the conjunction "and" between Subsections (D) and (E).

It was the Secretary of State's interpretation that Subsection (E) always trumps Subsection (C) when both apparently apply. Letter from Deputy Director of the Elections Division, Exhibit C-Supp. The trial court denied the request for a preliminary injunction. Exhibit D-Supp. While the underlying case has not been decided with finality on the merits, no appeal or ultimate final appellate decision will affect the ballot design in this election cycle, and candidate Merkley's name will appear with the Democratic party identifier on the ballot.

5. UNDER THE CIRCUMSTANCES IT IS CLEAR JEFF MERKLEY IS THE NOMINEE OF THE INDEPENDENT PARTY IN THE NOVEMBER 4, 2008, GENERAL ELECTION.

2 U.S.C. § 431(16) provides:

The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

Despite the interpretation and application of the Oregon's ballot design statute which limits a candidate to a single party name on the ballot, it is clear that Mr. Merkley is the nominated candidate of the Independent Party under state law and is identified as the Independent Party candidate to the public and voters in other official documents. The question presented here is whether from all the circumstances "it is clear" that Mr. Merkley is the candidate of the cross-nominating Independent Party, even though the interpretation of state law will show only the Democratic Party name after Mr. Merkley's name on the ballot.

In a similar situations where state law did not allow any party's name to appear on the ballot, the Commission has looked to the totality of the circumstances to determine whether this element has been met.

The Act's definition of political party refers to the appearance of the candidate's name on the ballot as the candidate of the particular association, committee, or

organization. The Commission understands that Congressional candidates in Virginia are not list on the ballot as candidates of any particular party, and thus the Party's name did not appear with its candidates names on the ballot [] However, a list of candidates issued by the Virginia State Board of Elections in September 1996 and a list issued by the Commission the same month both denote that the three candidates were candidates of the Party. Thus, it is clear that these individuals were the Party's candidates. In view of these circumstances, the Commission concludes that the Party meets the second element.

Virginia Reform Party, AO No. 1997-07 at 3.

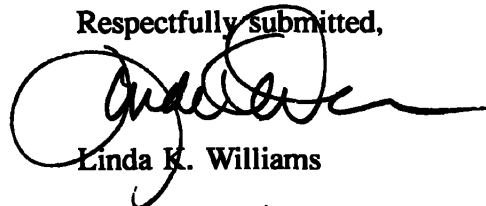
The present situation is quite analogous. In application, Oregon law does not list candidates on the ballot as the candidate of each nominating party, and thus "Independent" will not appear with its candidate, Mr. Merkley. It is nonetheless clear that Mr. Merkley is the candidate of the IPO, and identified as such to voters in an official manner.

First, there is the notation that Mr. Merkley is a qualified candidate of the Independent Party, made on a state-sponsored website and available to the general public. Exhibit B-Supp. Secondly, as the Oregon Deputy Elections Director points out in a letter to undesigned [Exhibit C-Supp at p. 2], the fact of the IPO cross-nomination of Mr. Merkley can be established in the minds of voters by inclusion of that information in the official Oregon State Voter's Pamphlet party statement of the IPO.

The IPO is entitled under state law to prepare and have published a "full page" statement in the Oregon Voters Pamphlet. ORS 251.115; Exhibit E-Supp. It includes, *inter alia*, candidate statements, political party statements, and the text of proposed measures. The Voters Pamphlet is printed at state expense and distributed to each voting household and is an official state publication. The IPO statement is appended as Exhibit F-Supp. This statement corroborates the fact that Jeff Merkley is the candidate of the Independent Party.

Thank you for the opportunity to supplement the request.

Respectfully submitted,



Linda K. Williams

EXHIBIT A-SUPPLEMENTAL.

CONSTITUTION OF THE INDEPENDENT PARTY

Preamble

The Independent Party of Oregon (IPO) shall give a voice to all independent and engaged Oregonians by emphasizing grass-roots decentralized organization. IPO will encourage innovative ways of communicating, participating and decision-making. To achieve its mission, the IPO is organized to operate within the State of Oregon election laws as a political party.

Article I. Name.

The legal name of this organization is the Independent Party of Oregon (hereinafter "IPO" or "the Party").

Article II. Purpose.

The founding purpose of the IPO is give voice to the electors of this state, by offering candidates for public office, by supporting or opposing ballot measures, and by engaging in debate on public issues.

Article III. Membership.

An individual subscribing to the IPO purpose may become a member of the Party, subject to the provisions of this Constitution and Bylaws.

Article IV. Organization.

- A. The IPO shall be governed by a State Council in accordance with the Constitution and Bylaws.
- B. Chapters may be established in accordance with the Bylaws.
- C. The IPO officers shall be a state chair, a treasurer, and a secretary.

Article V. Nominating Authority.

The ultimate nominating authority for candidates for partisan elective offices is the membership participating in the nominating process in accordance with this Constitution and the Bylaws. Such authority may be exercised by participation in the

selection of delegates to a nominating caucus or attendance at a nominating convention, as set out in the Bylaws.

Article VI. Conventions.

The IPO shall hold a statewide convention at least once a year to conduct business as may properly come before it, at a time and place in conformance with this Constitution, the Bylaws, and such convention rules as may be approved at each convention or by the State Council.

Article VII. Bylaws.

Bylaws are hereby affixed to and subordinate to this Constitution.

Article VIII. Amendments.

This Constitution may be amended by two-thirds of all votes duly cast by voting members of the State Council or by two-thirds of all votes cast by voting members at an IPO convention, as described in and compliance with the provisions of the Bylaws.



Linda K. Williams
Chair

Dated: September 6, 2007
Portland, Oregon

CERTIFIED COPY

I, LINDA WILLIAMS, under penalty of perjury, declare from my personal knowledge, and with the understanding that my declaration may if necessary, be used in any relevant legal proceeding, that the foregoing is a true and correct copy of the Constitution of the Independent Party adopted September 6, 2007.

Dated this 21st day of AUG, 2008



Linda K. Williams
Chair

EXHIBIT B-SUPPLEMENTAL



[^] Office/Name/Address/Phone	Date Filed	Filing Type	# Sigs Reqd/Filed	Withdrawal Date	Qualified
Representative In Congress, 5th District					
Sean Bates - (Independent) 4042 Watson Ave NE Salem, OR 97305 (503)428-4705 (H) (503)364-0128 (W)	08/20/2008	Minor Party			Pending
State Representative, 5th District					
Pete Belcastro - (Independent) 447 Monte Vista Ashland, OR 97520	07/08/2008	Minor Party			Yes
Representative In Congress, 1st District					
Joel Haugen - (Independent) PO Box 316 Vernonia, OR 97064 (503)543-6879 (H) (503)819-0846 (W)	08/08/2008	Minor Party			Yes
United States Senator					
Jeff Merkley - (Independent) PO Box 29136 Portland, OR 97296 (503)252-8770 (H) (503)274-4439 (W)	08/08/2008	Minor Party			Yes
State Representative, 29th District					
Terry L. Rilling - (Independent) 290 North 11th Cornelius, OR 97113 (503)793-3500 (H) (503)849-2322 (W)	08/18/2008	Minor Party			Pending
State Representative, 4th District					
Keith Wangle - (Independent) 417 Grand Ave Central Point, OR 97502 (541)664-3624 (H) (541)664-1614 (W)	06/27/2008	Fee			Yes
State Treasurer					
Ben Westlund - (Independent) PO Box 1379 Bend, OR 97709 (541)383-4444 (H) (541)382-8481 (W)	08/18/2008	Minor Party			Yes

EXHIBIT C-SUPPLEMENTAL

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

255 CAPITOL ST NE, SUITE 501
SALEM, OREGON 97310

ELECTIONS—(503) 986-1518
FAX—(503) 373-7414

August 11, 2008

Linda K. Williams, Attorney
10266 SW Lancaster Drive
Portland, OR 97219-6305

Dear Ms. Williams:

You have questioned the application of ORS 254.135(3) to candidates who have received a major party nomination at the primary election and who have also received (or will receive) the nomination of a minor political party. So long as the candidate who is a member of a major political party has accepted their party's nomination (and has not resigned that nomination), ORS 254.135(3)(a)(E) requires that the candidate be listed only as the nominee of that major political party on the ballot.

ORS 254.135(3)(a) states that the name of "a political party" shall be listed following the name of the candidate. A candidate's name shall be printed only once, regardless of how many times the candidate shall have been nominated. The statute allows only one political party name to be listed. The name of the party to be listed is determined according to the rules in this statute. ORS 254.135(3)(a).

Our office has conferred with our legal counsel in preparing this response and have concluded that of the five rules listed in ORS 254.135(3)(a), the most specific rule is applied to the candidate's situation. For those candidates who are members of a major political party and who are their party's nominee, ORS 254.135(3)(a)(E) is the most specifically applicable and is automatically applied. ORS 254.135(3)(a)(C) is not applicable because it applies only when the candidate who is a member of a party is not the nominee of their own party. Subsection (C) is not applicable in situations when (E) specifically governs.

All candidates who receive multiple nominations, including the nomination of their own political party, will be identified on the ballot only by the name of their own political party, as required by ORS 254.135(3)(a)(E). This includes all legislative and other candidates who have received both the Democratic and Republican nominations. Only those candidates whose circumstances are described in ORS 254.135(3)(a)(B) and (D) are permitted to choose one nomination for identification on the ballot, as described in ORS 254.135(3)(b). As with all candidates, their name will appear with only one political party affiliation.

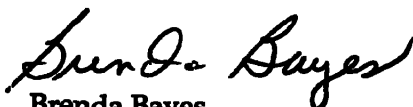
Linda K. Williams, Attorney

Page 2

Candidates are identified in the voters' pamphlet under the party name that will be listed next to their name on the ballot, according to the rules in ORS 254.135(3). Candidates who have multiple nominations are free to discuss those additional nominations in their voters' pamphlet statement. In addition, major and minor political parties are welcome to identify and discuss their nominees in their party statement in the voters' pamphlet. ORS 251.115.

Thank you.

Sincerely,

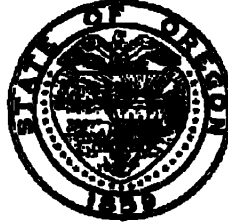


Brenda Bayes
Elections Deputy Director

EXHIBIT C-Supp
PAGE 2 OF 2

EXHIBIT D-SUPPLEMENTAL

ACCOUNTING
588-5601
CLERK'S OFFICE
588-5105
COURT ADMINISTRATION
588-5368
DISPUTE RESOLUTION
SERVICES
588-7988 Fax: 589-3224
JURY MANAGEMENT
588-5371
PROBATE
588-5141
RECORDS
588-5101



**CIRCUIT COURT
THIRD JUDICIAL DISTRICT**

Marion County Courthouse
100 High St. NE
PO Box 12869
Salem, OR 97309-0869
Fax: 373-4350 TTY: 373-4444

CRIMINAL COURT
4000 Auburnville Hwy.
Fax: 588-6822 TTY: 588-6820
JUDICIAL STAFF
588-8484
588-8485
CLERK'S OFFICE
588-8489
RELEASE OFFICE
588-8560

JUVENILE COURT
303 Center St. NE
Fax: 361-2676 TTY: 585-4946
373-3777

August 22, 2008

David Leath
Assistant Attorney General
Department of Justice
1162 Court St NE
Salem, OR 97301

Linda Williams
Attorney at Law
10266 SW Lancaster Rd.
Portland, OR 97219

Re: Independent Party of Oregon v. State of Oregon
Marion County Case No. 08C20329

Dear Counsel:

This will serve as my letter opinion in the above matter.

I have once again reviewed the materials submitted by each party with respect to the issues raised by the Motion for a Preliminary Injunction submitted by Plaintiffs. I find that the Motion for Preliminary Injunction must be denied.

ORCP 79 A(1) allows a preliminary injunction to issue only if Plaintiffs are able to show some probability of success on the merits. I do not find that there is any reasonable probability that Plaintiffs will ever be successful in proving that ORS 254.135 should be interpreted in the way that Plaintiffs seek to establish.

On the contrary, Plaintiffs construction, while creative, is not in accordance with the statutory scheme when taken as a whole, nor with the consistent interpretation of the agency charged with its enforcement.

EXHIBIT *D-Supp*
PAGE *1* OF *2*

David Leath
Linda Williams
August 22, 2008
Page 2

In short, I find that the statute is not ambiguous, and, yet even if it were, the ambiguity would not likely be resolved in Plaintiffs favor.

Accordingly, counsel for the State may prepare an appropriate order.

Sincerely,

Hon. Paul J. Lipscomb
Circuit Court Judge

PJL/leb

EXHIBIT D-Supp
OF 2 OF 2

EXHIBIT E-SUPPLEMENTAL

O.R.S. § 251.115

Formerly cited as OR ST § 255.211

West's Oregon Revised Statutes Annotated Currentness
Title 23. Elections (Refs & Annos)
 Chapter 251. Voters' Pamphlet (Refs & Annos)
 State Voters' Pamphlet Generally

→251.115. Statewide and less than statewide political party or assembly; statement; size; fees

(1) Not later than the 70th day before the general election, the party officers as designated in the organizational documents of any statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a printed or typewritten statement of arguments for the success of its principles and election of its candidates on a statewide basis and opposing the principles and candidates of other political parties or organizations on a statewide basis.

(2) Not later than the 70th day before the general election, the party officers as designated in the organizational documents of any less than statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a typewritten statement of arguments for the success of its principles and election of its candidates on a county basis and opposing the principles and candidates of other political parties or organizations on a county basis.

(3) The size of the statements permitted under this section shall not exceed 60 square inches for any statewide political party or assembly of electors having nominated candidates and 30 square inches for any less than statewide political party or assembly of electors having nominated candidates. The fee for a statement filed under this section shall be \$600 for any statewide political party or assembly of electors having nominated candidates and \$300 for any less than statewide political party or assembly of electors having nominated candidates.

Formerly 255.211; Laws 1987, c. 707, § 13; Laws 1989, c. 503, § 10; Laws 1993, c. 797, § 22; Laws 1999, c. 318, § 13.

EXHIBIT F-SUPPLEMENTAL

INDEPENDENT PARTY OF OREGON CANDIDATES

Jeff Merkley	U.S. Senate
Joel Haugen	U.S. House of Representatives, 1st Congressional District
Sean Bates	U.S. House of Representatives, 5th Congressional District
Ben Westlund	Oregon State Treasurer
Keith Wangle	Oregon House District 4
Pete Belcastro	Oregon House District 5
Jim Gilbert	Oregon House District 18
Vicki Berger	Oregon House District 20
Terry Rilling	Oregon House District 29
Stephen Bradley	Curry County Commissioner
Col. Dale Potter	Wallowa County Commissioner, position 1
Ken Wick	Wallowa County Commissioner, position 2

The Independent Party was formed by voter petition in 2006, after the Oregon Legislature enacted laws to make it much harder for non-affiliated candidates to run for public office in Oregon. We are now the state's third largest political party, with over 25,000 members.

The Independent Party is unique among Oregon political parties in that we do not adhere to rigid ideology. Instead, the Independent Party supports candidates from across the political spectrum who are committed to the principle that the basic instruments of our democracy -- our Legislature, the initiative and referendum, and our electoral processes -- should be in the hands of We the People rather than the special interests that currently control government.

The mission of the Independent Party is to promote bi-partisan and non-partisan cooperation in the Legislature and to promote good government reforms to make our political process more responsive to the People of Oregon.

In the 2008 election cycle, the Independent Party is working to elect a slate of candidates who, when elected, will seek to amend the Oregon Constitution to ensure that our state's limits on political contributions shall be enforced. The voters of Oregon have adopted such limits twice since 1994 -- most recently in Measure 47 (2006), which is not being enforced by the Secretary of State or Attorney General even though no court has found any part of it to be unconstitutional. This is the third time since 1975 that politicians, courts, or bureaucrats have overturned campaign finance limits adopted by the People of Oregon.

We believe that a Constitutional Amendment to allow limits on political contributions will reduce the corrupting influence that powerful special interests and Big Money have over our government and our lives.

Neither of the major parties have taken action to limit political contributions, leaving Oregon as one of only 3 states with no limits whatsoever. The result is a system that is dominated by the wealthy and the powerful.

Corporations and the super-rich pushed up the total spending on candidate races in Oregon from \$4 million in 1996 to \$49 million in 2006. It now usually costs over \$500,000 to win a contested seat in the Oregon Senate and over \$300,000 to a contested seat in the Oregon House.

"And now these money-fueled campaigns for part-time Oregon legislators can reach \$1 million."

— OREGONIAN editorial, August 13, 2006

The 2006 candidates for Governor collected and spent over \$18 million. Just the top 5 individual donors gave \$1.94 million (to the Republican), while the Democrat got \$1.2 million from unions.

The cost to the People of Oregon is tremendous. As just one example:

Oregon has among the highest tax rate on individuals in the United States, and ranks third in taxing families near the poverty line but ranks 47th out of 50 states in corporate taxation. The corporations' of Oregon income taxes has dropped from 18 percent in the 1970's to less than 5 percent in 2005. Two-thirds of all corporations operating in Oregon pay just \$10 per year in taxes.

We believe that it is time for a change. Not just time to elect Democrats instead of Republicans, or vice versa, but time to elect candidates who will fight for We the People. Who's with us?

VOTE. THINK. BE. INDEPENDENT.

www.indparty.com
503-334-3265

EXHIBIT F-Supp
PAGE 1 OF 1