LOCAL
GOVERNMENT
LAW GROUP
An Oregon Professional Corporation

Memo

To: **Dan Atchison**
City of Salem, City Attorney

From: **Truman Stone**

Date: **July 6, 2026**

Re: **Vega Nomination Eligibility**

Issue:

Is the City Recorder required to refuse to issue a nomination certificate for Ward 6 City Council candidate Betsy Vega, because Ms. Vega is ineligible for the nomination?

Short Answer:

No, there is no clear and convincing evidence of ineligibility. There is adequate evidence in the record that Ms. Vega resided in Ward 6 prior to November 2025 through the present. Ms. Vega moved from her residence in November 2025 and lived temporarily with friends both inside and outside of Ward 6. During this period, all indications show an intent to maintain domicile in Ward 6, and particularly that she never established a new residency, until securing her current residence in March 2026. Assuming Ms. Vega maintains her residence in Ward 6 through the November 2026 general election, she will have resided in the ward for the 12 months immediately prior to being elected. Therefore, she is entitled to the nomination certificate for the general election.

Facts:

1. The City Recorder received an objection from Paige Barton[1] concerning Betsy Vega's qualifications as an elector and eligibility as a candidate for the Ward 6

[1] Ms. Barton is not an elector in Ward 6. What standing she would have to file an election contest, is unclear.

Council position. This objection was made May 26, 2026, and approximately one week after the primary election.

2. The objection alleges:
    a. It is unknown where Ms. Vega lived from November 2025 through March 2026,
    b. Ms. Vega vacated her residence in November 2025, but listed that address as her residence on her candidate petition that was submitted to the City Recorder in January 2026, and
    c. Ms. Vega did not update her residence address on her voter registration until March 2026.
3. Ms. Barton claims Ms. Vega is ineligible to be a candidate for the Ward 6 position, because:
    a. Ms. Vega did not update her residence address for her voter registration when she moved and thus was not an eligible elector, both at the time Ms. Vega submitted her candidacy petition in January 2026 and at least until March 2026, and
    b. Ms. Vega did not live in the ward continuously since submitting her candidate petition, as required in the Salem Charter.
4. On September 30, 2025, Ms. Vega filed a candidate filing form for the Ward 6 city councilor position with the Salem City Recorder, who serves as the City elections official. The filing listed an address located on Coral Street, NE in Ward 6 (Residence 1). The City Recorder provided the candidate filing form to the Marion County Clerk's office who verified that Ms. Vega was a registered voter at Residence 1. The City Recorder then authorized Ms. Vega to gather voter signatures for her candidate nomination petition.
5. On January 30, 2026, Ms. Vega completed her candidate nomination petition and the City Recorder confirmed that Ms. Vega's name would appear on the May 19, 2026, primary election ballot for Ward 6.
6. On May 19, 2026, the primary election occurred.
7. On June 12, 2026, the Marion County Clerk informed the City Recorder the election results for Ward 6 had been certified. The information indicated that Ms. Vega received a majority of the votes for the Ward 6 City Council position.
8. On June 22, 2026, the Salem City Council received the canvass of votes and proclaimed the election results.
9. In November 2025 Ms. Vega vacated Residence 1. Her intent was to directly relocate to a new residence located in Ward 6, however, three rental applications were denied. Ex. 2, DECLARATION OF VEGA.

10. From November 2025 to March 2026, Ms. Vega attempted to secure different residences within Ward 6 but was unsuccessful. Ms. Vega suspended her housing search in December due to the holiday season. During this period Ms. Vega lived with family and friends in residences, each of these locations outside Ward 6. Ms. Vega stored her personal belongings at a storage facility located within Ward 6 and continued to operate her business located in Ward 6. Ex. 2, DECLARATION OF VEGA.
11. In March 2026, Ms. Vega secured a residence located on Swegle Road, NE (Residence 2) and updated her DMV and voter registration information with that address.
12. Ms. Vega states she intended to remain a resident within Ward 6 during the entire period from November 2025 until she established a new residence at Residence 2 in March 2026. Ex. 2, DECLARATION OF VEGA.

Legal Standards:

Elections to fill City of Salem elective offices and the candidates for those offices are governed by the Oregon Constitution, the Salem Charter, the Salem Elections Code (SRC chapter 11), and if unaddressed in Salem Charter or Code, Oregon election law.[2]

Residency Defined

In 2022, the Oregon Supreme Court considered the denial by the Secretary of State of Kristoff's eligibility to stand as a candidate for governor. *State ex rel. Kristof v. Fagan*, 369 Or 261, 279-280, 504 P3d 1163, 1173 (2022). The court was required to decide "two legal questions: (1) the meaning of 'resident within this state,' as those words are used in … the Oregon Constitution; and (2) whether the secretary was required to conclude" that Kristoff met that legal standard. The Court concluded that "resident within" is best understood as the person's "domicile" which requires a fixed habitation or abode in a particular place, and an intention to remain there permanently or indefinitely. *Kristoff* at 263-264.

The Court engaged in a historical analysis of the 1859 Oregon Constitution and the cases that followed, concluding that "resident within" refers to "domicile." *Kristoff* at 277. The Court noted that while a person may have multiple residences, they have but one domicile. See, *Reed's Will*, 48 Ore. at 505 ("Every person is assumed by

[2] **Salem Chater, Section 48. - State Law.** Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

the law to have one domicile and one only."). This longstanding legal doctrine applies throughout this country. [3]

> "Domicile," strictly speaking, is the relation the law creates between an individual and a particular place or country, and each case is dependent upon its own particular facts. It is not in a legal sense synonymous with "residence." A person may have more than one residence and more than one home, in the ordinary acceptance of those terms, but he can have only one domicile and the law requires that for the purpose of the succession of his property he be domiciled somewhere. The word "home" is undoubtedly the fundamental idea of domicile, though calling a place "home" as a matter of fact may not be and often is not entitled to much weight: Jacobs, Domicile, § 72. To constitute domicile there must be both the fact of a fixed habitation or abode in a particular place, and an intention to remain there permanently or indefinitely; or, as Mr. Wharton says: "There must be (1) residence, actual or [***9] inchoate; (2) the nonexistence of any intention to make a domicile elsewhere": Wharton Conflict of Laws, § 21. Domicile, therefore, is made up of residence and intention. Neither, standing alone, is sufficient for the purpose.
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> *Pickering v. Winch*, 48 Or 500, 503, 87 P 763, 765 (1906)

A person's domicile continues until there is "an intention, expressed or implied, to abandon the old domicile and acquire a new one." *Reed's Will* at 508. Notably, the decedent in Reed's Will was found not to have lost his Oregon domicile despite living in California for over a decade. Interpreting early Oregon voting law shortly after the adoption of the Oregon Constitution, the Supreme Court noted "the legal concept of domicile … makes clear that, as a statutory matter, a person's residence for voting purposes could be … lost only through establishing a permanent residence." *Kristoff* at 276.

ORS 247.035 instructs election officials in determining qualifications of a person to register to vote, or to vote. It follows the rule of domicile and looks to intent and location. It presumes a fixed and continued domicile until a new domicile is established.

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[3] "Still, I wonder: Is a child born here to parents who have long chosen to make this Nation their permanent home not a citizen under the Fourteenth Amendment solely because his parents' presence violates statutory law? If those parents are not domiciled here, then where are they domiciled? And if the answer is nowhere, ***how can we reconcile that conclusion with this Court's longstanding recognition that every person is domiciled somewhere***? See *Desmare v. United States*, 93 U.S. 605, 610 (1877)." *Trump v. Barbara*, Gorsuch, J., dissenting, 609 U. S. ___ (2026)(slip opinion at 3)(emphasis added).

> (2) Notwithstanding subsection (1) of this section, a person who has left the place of the person's residence for a temporary purpose only, **who has not established another residence for voter registration purposes and who does not have a place in which habitation is fixed shall not be considered to have changed or lost residence**. The person may register at the address of the place the person's residence was located before the person left.
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> Or Rev Stat Ann § 247.035 (LexisNexis, Lexis Advance through amendments effective on June 5, 2026)(emphasis added)

The Salem Charter uses similar terms "reside within" and "resided in" as found in the Oregon Constitution. Without a charter provision defining those terms differently or a clear legislative policy to the contrary, deferring to state election law and rules of statutory interpretation would endorse the court's construction[4]. This means residency is understood to mean domicile and is a combination of residence and intention. Neither, standing alone, is sufficient.

Standard of Proof

There is a question as to the quantum of evidence or proof to be applied in this situation. The Oregon Supreme Court has identified a difference between pre- and post-election challenges, but we have seen no case where they contend with or reconcile those separate line of cases, or explore the boundaries of such differences. See for instance the following case:

> There is justification for a distinction between a primary and general election contest. The primary election does not make the winner of that election a member of the legislative assembly. It is no more than a form of party nomination. It is not the exclusive process for getting an aspirant's name on the general election ballot. ORS 249.310 *et seq*.
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> [***5] The result of the general election is conclusive. It is the only election that determines who shall receive the certificate of election. ORS 250.840. As stated by the Indiana court in the *Gramelspacher* case:
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> > "Nomination in a primary election is in no sense an election to an office. *Martin v. Schulte* (1933), 204 Ind. 431, 182 N.E. 703. Relator herein is not yet elected a member of the Legislature. If nominated he is then only placed in a position to be elected as a member if he gets the required number of

[4] Rules that govern construction of statutes are applied when provisions of ordinances are in need of interpretation. *Local 1724B v. Bd. of County Commis*., (1971) 5 Or App 81, 482 P2d 764.

> votes in the November (general) election." 231 Ind 117, 107 NE2d at 668.

Combs v. Groener, 256 Or 336, 339, 472 P2d 281, 283 (1970)

Under the pre-election line of cases culminating with *Kristoff*, these matters typically come to the Court by a writ of mandamus proceeding, a type of review based on the record before the lower court or official.

> In the context of writs of mandamus directed to public officials, that a writ of mandamus can be used "to compel the execution, by a public officer, of a duty prescribed by law, but not to control the exercise of that duty, when the act to be done involves the exercise of judgment or discretion." *State ex rel. v. Siemens*, 68 Ore. 1, 8, 133 P 1173 (1913). Put differently, "[i]f *mandamus* shall lie in this cause, it must appear from the record that the relator possesses a clear, legal right to the thing demanded, and it must be the imperative duty of the Secretary of State to perform the act so demanded." *Putnam v. Kozer*, 119 Ore. 535, 541, 250 P 625 (1926) (italicization in original). Here, in assessing the secretary's application of the constitutional standard for residency, our task is not to conduct our own review of the facts; rather, it is to decide whether the evidence in the record, assessed under the correct legal standard, would have compelled a decision in relator's favor. Only that would entitle him to a writ of mandamus directing the secretary [*280] to determine that he met the durational residency requirement set out in Article V, section 2.

State ex rel. Kristof v. Fagan, 369 Or 261, 279-280, 504 P3d 1163, 1173 (2022)

Compare the pre-election mandamus standard to the line of cases describing the post-election challenge standard. The rule there is that the canvass of votes is prima facie evidence that the candidate was legally elected and entitled to receive the certificate of election, subject only to the challenge of the defeated candidate who must prove ineligibility by clear and convincing evidence. “[I]t is our opinion that if the candidate is elected he is entitled to receive his certificate of election and to hold the office, provided his right to hold office is not contested in a court of law. See *Stevens v. Carter*, 27 Or 553, 562.” *25 Op. Atty Gen. Ore. 38, 39*.

> In *People* v. *Head,* 25 Ill. 325, CATON, C. J., in speaking of the certificate of election which had been issued by a canvassing board, said: "The decision of the canvassers afforded *prima facie* evidence that the relator was legally elected, and entitled him to the office till that canvass should be set aside by a proceeding to be instituted by the defeated candidate, in the courts of justice and in the forms of law." To allow an incumbent to

> hold over and retain possession of an office after the close of his term, when a certificate of election has been issued to another, who has duly qualified, because perchance the incumbent may think his successor is ineligible, or has not been duly elected, would thwart the popular will as expressed by the majority at the election, and tend to make the incumbent [***16] the judge of his own rights as well as of the eligibility, election, and qualification of his successor: *State* v. *Oates,* 86 Wis. 634 (39 Am. St. Rep. 912, 57 N.W. 296). **The electors having expressed their preference at the polls, it is better that the person chosen by their votes, having obtained the certificate of election and qualified, should be inducted into office, and the burden of proving the ineligibility and want of election or qualification cast on the prior incumbent, than that his successor should be deprived of his office until he could show himself eligible thereto**.
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> *Stevens v. Carter*, 27 Or 553, 562, 40 P 1074, 1076 (1895) (emphasis added)

In accord:

> "That the title to an office cannot be tried in a mandamus proceeding is a rule of law so well settled that it needs no citation of authorities to support it. * * *." *Stevens v. Carter*, 27 Ore. 553, 561, 40 P. 1074, 31 L.R.A. 342. Also see, *Beard v. Beard*, supra, where the court says, at page 519:
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> > "In the case at bar this court is not called upon to finally determine the validity of the election of the secretary of the corporation, nor to consider that question only in so far as the present necessities may require, but to find who has *prima facie* title to the office of secretary and entitled to the present possession of the property of the corporation, and grant relief accordingly, leaving the contest, if any there be as to the election to be determined in a proper proceeding. In this state such contest would be in an action in the nature of *quo warranto*."
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> *Hunt v. Ketell*, 197 Or 659, 667, 253 P2d 272, 276 (1953)

“The statutory language is clear that the results of an election, may be contested on certain grounds [*549] "and no other." Former ORS 251.025, (renumbered as ORS 258.016). *Putnam v. Milne*, 13 Or App 540, 548-49, 511 P2d 442, 446 (1973). Those grounds are set forth in ORS 258.016 and apply to primary elections, or “the nomination” of a person.

258.016 Grounds for contest; persons authorized to contest.

The nomination or election of a person, the result of a recall election or the approval or rejection of a measure may be contested by any elector entitled to vote for the person, recall or measure, by any person who was a candidate at the election for the same nomination or office, by the public officer subject to the recall, by the Secretary of State if the contest involves a state measure, the recall of a state officer or a candidate for whom the Secretary of State is the filing officer, or by the county clerk who conducted the election[5], only for the following causes:

(1) Deliberate and material violation of any provision of the election laws in connection with the nomination, election, recall election or approval or rejection of a measure.

(2) Ineligibility of the person elected to the office to hold the office at the time of the election.

(3) Illegal votes.

(4) Mistake or fraud in the canvass of votes.

(5) Fraud in the count of votes.

(6) Nondeliberate and material error in the distribution of the official ballots by a local elections official, as that term is defined in ORS 246.012, or a county clerk.

(7) A challenge to the determination of the number of electors who were eligible to participate in an election on a measure conducted under section 11 (8), Article XI of the Oregon Constitution.

Or Rev Stat Ann § 258.016 (LexisNexis, Lexis Advance through amendments effective on June 5, 2026)

Salem's election procedure is set out in section 11.095 with the relevant provision highlighted:

[5] We note that city or district election officials are conspicuously absent from this list as parties having standing to bring a claim. Local election officials are only mentioned in (6) in describing a claim of error.

> **Sec. 11.095. - Certificate of nomination.**
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> The two candidates receiving the highest number of votes for each office shall be entitled to a certificate of nomination as the nominees for such office, and their names shall appear on the ballot at the general election; **provided, however, that whenever any candidate shall receive a majority of all votes cast for the office for which he or she is a candidate, that person shall be the only nominee for such office and only that person shall receive such certificate of nomination and his or her name only shall be printed on the general election ballot.** The City Recorder shall file with the Council a report of the canvass of the election as may be submitted by the respective County Clerks. (Prior Code, § 11.095; Ord. No. 201-79)
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> **State Law reference—** Certificate of nomination, ORS 254.565.

Many (or perhaps all other) election codes eliminate the requirement that a nominee receiving a majority of all votes cast in the primary election, be nominated for election at the general election. This unique Salem code would be a clear primary nomination election under circumstances where no one candidate receives a majority of all votes and the top two vote getters are placed on the general election ballot. However, it is unclear if the "*shall be the only nominee for such office*" requirement changes that analysis, to apply the general election framework by holding this to be conclusive, or that it cannot be conclusive until the general election is complete. We note that in the cases considering a distinction, each of those candidates were party nominees, not candidates for a non-partisan office.

While not free from doubt, we believe that it is most likely a court would follow the "not yet elected to the office" language in *Combs* and treat this situation merely as a nomination. What this means is less clear. As to the burden of proof, it appears to be treated equally between primary and general elections.

> (1) Burden of proof.
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> In *Thornton v. Johnson*, 253 Or 342, 453 P2d 178, 454 P2d 647 (1969), the court held that in a proceeding contesting an election pursuant to ORS 251.015 to 251.090 where contestant alleged violations of the Corrupt Practices Act, ORS ch 260, the violations must be proven by "clear and convincing evidence." Contestant would have us distinguish the case at bar [***7] from the above case on the ground the Corrupt Practices Act is not involved here. Even if we accept contestant's view that *Thornton v. Johnson*, supra, set the burden of proof with reference to the Corrupt Practices Act only, the **reasoning of the court there is equally applicable to all election contests under ORS 251.015 to 251.090**:

> "* * * The serious consequences visited upon the winning candidate and upon the electorate as a result of disqualification prompt us to construe the Act as imposing upon the contestant the burden of proving a violation of the Act by clear and convincing evidence. * * * In a private contest which can result in the disenfranchisement of those who voted for the contestee, the contestant should have the burden of proving his case by clear and convincing evidence." 253 Or at 348.

Putnam v. Milne, 13 Or App 540, 546, 511 P2d 442, 445 (1973)

Ordinarily the election official has a ministerial duty to accept the filing of a candidate as being regular on its face. It is only when facts of illegality of the candidacy are known to the official that there is no duty to accept the filing. *Accord, Pense, McAlmond, Kristof.* A comparison of the level of knowledge possessed by the election official in each of those cases is assistive in assessing how to apply the burden of proof.

In *Pense,* the candidate [Alice Corbett] had filed as a candidate for State Senate, then six days later filed a declaration of candidacy for office of County Commissioner. ORS 249.750 prohibits a person from becoming a candidate for more than one lucrative office, and the Secretary of State properly denied certification for the second office. This involved no fact finding, investigation, interpretation of election law, or quasi-judicial determinations. It only required consulting the Secretary of State's own official records.

In McAlmond, the candidate [again Alice Corbett] was nominated in the Democratic primary for the office of State Senator. The candidate had been found by the Supreme Court to have violated the Corrupt Practices Act, ORS ch. 260, and was disqualified to stand for election. *Cook v. Corbett*, 251 Or. 263 (1968). The court stated:

> It is obvious that the Secretary of State has a duty to withhold certification of a candiate (sic) who he knows is ineligible, even though the candidate received the highest number of votes in the primary election. The Secretary of State necessarily has knowledge of the opinion of this court which held that Mrs. Corbett violated the Corrupt Practices Act. We conclude that if such violation disqualifies her being elected or serving as State Treasurer in 1972, he has a duty to omit her name from the certification of candidates for the general election.

McAlmond v. Myers, 262 Or. 521, 525 (1972) (footnotes omitted)

The Secretary of State relied upon a decision of the Supreme Court where the issues were previously and ultimately litigated. Again, the Secretary of State made no factual findings, investigation, interpretation of election law, or quasi-judicial determinations.

In *Kristof,* after receiving a filing by candidate Kristof, the Secretary of State Election Division reviewed the candidate's voter registration and noted that the candidate had voted in New York State in recent elections, presumptively indicating non-residency. The Elections Division then asked for additional information from the candidate and based its decision on a combination of the official state records and the affidavit and other material submitted by the candidate, taking those representations as true. That was the record upon which the Elections Division determined Kristof's ineligibility and which the Oregon Supreme Court reviewed on mandamus. The Court approved the weight given by the Secretary of State to voter registration as a key element of domicile, noting that "the choice of where to register is a meaningful one, as it provides evidence of the political community to which a person feels the greatest attachment …." *Kristof* at 282.

The City Recorder provided the candidate filing form to the Marion County Clerk's office, who verified that Ms. Vega was a registered voter within Ward 6. After the May 19, 2026 elections results were known, an objection to Ms. Vega's qualifications was received. In response, the City Attorney's office asked Ms. Vega for additional information, and after we were engaged as outside counsel, we contacted Ms. Vega's attorney seeking testimony to the facts. She provided a sworn Declaration by Ms. Vega. The facts listed above were derived from those sources.

Analysis**:**

1. Proposed Election Contest

   On May 26, 2026, Ms. Barton contacted the City Recorder stating that she believed Ms. Vega ineligible to hold a city councilor position in Ward 6 and inquiring as to the procedures to formally contest the election results. There is no authority for filing of an election challenge found within the Salem election code, nor any city process to follow. The City directed Ms. Barton to ORS 258.016 and state election law.

   Despite there being no contest or appeal process under Salem election code, the City Recorder has a general obligation to act on known information of candidate ineligibility, and to act accordingly.

2. City Recorder's authority regarding nomination certificates

   Upon the county elections official issuing the canvass of the votes and certifying the results of a primary election, the City Recorder shall issue certificates of nomination

to the eligible nominees. The nominees' names will then appear on the general election ballot in November.

SRC 11.095 and ORS 254.565 require the City Recorder to issue a nomination certificate to a candidate that receives a majority of the votes for city elective office. The City Recorder has an obligation, as the City elections official, to withhold certification of a candidate known to be unqualified. See, *McAlmond* and *Pense*.

3. Qualified Elector

Elections to fill City of Salem elective offices and the candidates for those offices are governed by the Oregon Constitution, Oregon law, the Salem Charter and the Salem Elections Code (SRC chapter 11).

The Salem mayor and city councilors are designated as nonpartisan under the Salem Charter, Section 49. Election of nonpartisan candidates is subject to specific requirements under Oregon law.

ORS 249.020 requires candidates for nonpartisan elective office to be "eligible electors" as defined by the Oregon Constitution. Section 25 of the Salem Charter requires an elective city officer to be a qualified elector under the state constitution and, for city councilors, to have resided in the ward the councilor represents for 12 months immediately before being elected or appointed to the office.

Article II, Section 2, of the Oregon Constitution sets forth the requirements, as applicable here, for a qualified elector:

a. 18 years of age or older,
b. Resided in Oregon during the six months immediately preceding the election,
c. Register not less than 20 calendar days immediately preceding any election in the manner provided by law.

In this case, Ms. Vega's voter profile, provided by the Marion County Clerk, indicates that Ms. Vega has been a registered voter for many years and that Ms. Vega's voter registration is active for her Residence 2 address in Ward 6. Further, the Marion County Clerk has not designated Ms. Vega's registration as "inactive" for the period of November 2025 to present. The registration of an elector shall be considered inactive if; (a) the county clerk has received evidence that there has been a change in the information required for registration under ORS chapter 247, and; (b) the clerk has mailed notice to the person required under ORS 247.563. It is not disputed that Ms. Vega never lost residence for voting purposes during her period of homelessness.

By the time of the general election on November 3, 2026, Ms. Vega will have maintained her residence (Residence 2) in Oregon for more than six months, and therefore will comply with Art. II, Section 2, of the Oregon Constitution at the time of the November 2026 general election.

This does not determine whether Ms. Vega was a qualified elector at the time the City Recorder qualified her on January 30, 2026, for the primary election ballot. Whether Ms. Vega was a qualified elector at that time is moot, because the primary election has already occurred.

This decision pertains to Ms. Vega's qualifications to be a nominee for the Ward 6 position for the November 2026 general election. At this time, based on the information available to the City Recorder, Ms. Vega is a qualified elector under the state constitution.

4. Residency - Domicile

As noted, Section 25 of the Salem Charter requires an elective city officer to be a qualified elector under the state constitution and, for city councilors, to have resided in the ward the councilor represents for 12 months immediately before being elected or appointed to the office. As explained above, we view residency and related terms to mean domicile.

The phrase "12 months immediately before" is best interpreted as a continuous 12-month period. Ms. Vega argues that section 25 of the Salem Charter only requires residency for 12 months prior to the election and does not expressly require "continuous" residency. Although, the word "continuous" is not expressly used in the Charter, section 25 is reasonably interpreted to require a continuous presence sufficient to maintain or establish residency.

In *Polaski v. Clark*, 158 Or App 166, 172 (1992), the Oregon Court of Appeals considered similar language in terms of establishing residency for purposes of in-state tuition. Interpreting the Oregon administrative rule at issue, the phrase "established and maintained a domicile in Oregon of not less than 12 consecutive months" the court held:

> "The rule does not demand an uninterrupted physical presence by the person for 12 months, but it does demand an uninterrupted 'presence' even though the person is physically absent."

For purposes of section 25 of the Salem Charter, “12 months immediately preceding” is best interpreted as a continuous, uninterrupted presence in the ward sufficient to maintain or establish domicile.

In this matter, the allegation is that Ms. Vega did not reside in Ward 6 from November 2025 to March 2026. Evidence supporting that allegation is a recording of phone conversation between Paige Barton and an unnamed person who is purported to work for the property manager of Residence 1. Ms. Barton represented that she was with a property management firm, that Ms. Vega had applied for a rental “that we have,” and she sought a “rental reference” for Ms. Vega. She sought to verify the period Ms. Vega lived at the property. The other person indicated that Ms. Vega’s residency at the unit ended in November 2025.

On June 1, 2026, the City responded to Ms. Barton via email, copying Ms. Vega, seeking additional clarification from Ms. Barton. The City advised that a challenge of the City Recorder’s certification of Ms. Vega’s candidacy for the primary election was final and not subject to a local appeal, and that a challenge to the recorder’s issuance of a nomination certificate for the general election was premature.

On June 5, 2026, the City contacted Ms. Vega via email, informing her that the City Recorder was reviewing the materials Ms. Barton had provided and requested that Ms. Vega provide any additional written evidence that supports her eligibility. In follow-up emails, the City requested Ms. Vega respond by June 19, 2026.

On June 12, 2026, Ms. Vega emailed a response and attached two documents. The first document was a utility bill for Residence 1 for Ms. Vega. The period of service indicated on the bill is October 27, 2025 to November 17, 2025. The second document was a “renters binder” from an insurance company, indicating insurance coverage for a residence located in Ward 6 (Residence 2) in Ms. Vega’s name. The form indicates an “effective date” of March 5, 2026.

On the same day the City received Ms. Vega’s email, the City responded, seeking additional information concerning Ms. Vega’s residence in Ward 6, specifically noting that it sought any information verifying Ms. Vega’s residence from November 2025 to March 2026.

On June 16, 2026, the City received an email from a member of Ms. Vega’s campaign, requesting additional time to respond. The City responded the same day extending the deadline to 5:00 pm, June 22, 2026.

On June 22, 2026, the City received communications from Ms. Vega’s attorney providing additional information regarding the circumstances of Ms. Vega’s living arrangements during the operative period and legal argument asserting that Ms.

Vega is a qualified candidate for Ward 6. Ex. 1. Ms. Vega asserted that she vacated Residence 1 in November 2025 and planned to move to a new residence located in Ward 6, but those plans fell through. From November 2025 to March 2026 Ms. Vega did not have a permanent residence. She stayed with family and friends, some of which Ms. Vega admits were located outside Ward 6. Nevertheless, Ms. Vega states that she intended to remain a resident of Ward 6 and never intended to establish residency at any other place she was living temporarily while trying to secure housing. Ms. Vega supports her statement with screenshots of communications between Ms. Vega and various rental properties within Ward 6.

On June 24, 2026, the City Attorney's office engaged Local Government Law Group, P.C. as outside legal counsel to conduct analysis and advise the City Recorder.

On June 28, 2026, Ms. Gibson was contacted by LGLG with a request that Ms. Vega submit sworn testimony as to her circumstances of residency in Ward 6.

On July 2, 2026, Ms. Gibson forwarded the Declaration of Betsy Vega in Opposition to Challenge of Residency. In summary, Ms. Vega confirmed those prior representations of her campaign staff and attorney. She attached communications showing her efforts to find substitute housing within Ward 6 in early November, 2025 and prior to vacating Residence 1. She states that housing availability was constrained during the Christmas and New Year period. She states that her business was located within Ward 6, as was her storage unit holding her belongings. She reiterates that she did not change her voter registration or driver license. Finally, she emphasis her intention to remain a resident of Ward 6 despite opportunities for housing outside the ward. Ex. 2, DECLARTION OF VEGA.

a. Analysis.

Ms. Vega's occupancy at Residence 1 ended on or around November 17, 2025, based on her attorney's statement, the utility bill for the residence, the recorded phone call provided by Ms. Barton, and the Vega Declaration.

Prior to moving from Residence 1, during the first weeks of November, Ms. Vega applied for rental units at the 586 – Beverly Townhomes, The Jory, and Veri on Sunnyview, without success. Ms. Vega provided communications from three property managers supporting these attempts as attachments to her Declaration. Ms. Vega represents that these units are within Ward 6.

From November 17, 2025, to March 4, 2026, Ms. Vega testifies that she was homeless and stayed with friends and relatives in the greater Salem metro area, but outside of Ward 6. During this period Ms. Vega stored her belongings in a storage

facility in Ward 6. Ms. Vega conducts business at a physical, storefront location within Ward 6.

Further, Ms. Vega updated her voter registration listing Residence 2 with an effective date of March 18, 2026, indicated in the Voter Profile provided by the Marion County Clerk. The insurance form supports that Ms. Vega established residence at Residence 2 in March 2026, listing March 5, 2026, as the beginning of the coverage period.

No evidence of Ms. Vega's intention, expressed or implied, to abandon the old domicile within Ward 6 and acquire a new one elsewhere has been presented. Ms. Vega testifies that her intent to remain a resident of Ward 6 was continuous. Section 25 of the Salem Charter imposes an affirmative obligation on city councilors to reside in the ward they represent for the 12 months immediately before being elected or appointed to the office. Election officials are entitled to rely on the information provided by candidates in their election documents, unless the election official has reason to believe a candidate is not qualified.

b. Conclusion.

Domicile, therefore, is made up of residence and intention. Neither, standing alone, is sufficient for the purpose. Said another way, lack of either residence or intention, standing alone, may divest a person of their domicile, particularly when the lack of residence is temporary. Absent clear and convincing evidence if ineligibility, the election official has a ministerial duty to accept candidacy as regular on its face. Although temporarily absent from Ward 6, no alternate domicile was established by Ms. Vega, efforts to find housing within Ward 6 were made, and after three months Ms. Vega moved into Residence 2.

Based on the foregoing, it is our evaluation that a court would likely find Ms. Vega qualified. It is our advice that the City Recorder issue a nomination certificate to Ms. Vega as specified in the Salem election code and process her nomination to submit to the general election.

Any person with standing has a complete remedy under Oregon election law to contest this decision. The Salem Election Official is not the ultimate judge of candidate qualifications.

Gibson P.C.
attorney at law

Jill Gibson | Attorney
4248 Galewood St
Lake Oswego, OR 97035
(503) 505-8998
jill@gibsonp-c.com

June 22, 2026

via EMAIL ONLY
Dan Atchison
City of Salem, City Attorney
DAtchison@cityofsalem.net

Subject: Residency of Betsy Vega

Dear Mr. Atchison:

I represent Betsy Vega. Thank you for allowing her an extension of time in order to provide a response to Paige Barton's challenge to the City's determination that Ms. Vega met residency requirements to run for Salem City Council to represent Ward 6. Ms. Barton makes numerous unsubstantiated allegations and misstates the requirements to run for City Council. A review of this matter will show that Ms. Vega was eligible to run for Ward 6 City Councilor, and that the City properly determined so.

As you know, Ms. Vega filed to run on September 30, 2025, and the City certified her as a qualified candidate on January 30, 2026. Rather than challenging this determination when it was made, or at any time pre-election, Ms. Barton chose to wait until after the election to raise concerns.

Because the election has already occurred, Ms. Barton must file an election contest if she wishes to challenge Ms. Vega's candidate eligibility. *See* ORS 258.016 (election of a person ineligible to be elected may be contested). The City Charter contains no procedure for challenging an official determination regarding residency, and "[e]xcept as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election." Salem City Charter, Section 48. Section 25(1) of the City Charter states that "The council is the final judge of the election and qualifications of its members." But this appears to apply to elected, seated council members, not to "candidates," which are expressly referred to in the Charter when intended. *See* Salem City Charter, Section 25(2) ("No person may be a candidate at a single election for more than one elective city office."). By contrast, Section 25(1) applies to an "elective city officer" and "councilor" and refers to "the ward the councilor represents." Ms. Vega is not a councilor and does not represent a ward.

I. The City is correct that Ms. Vega was eligible to run for Ward 6 City Councilor.

Although Section 25 of the City Charter does not provide a process for challenging an official eligibility determination post-election, it does provide the requirements of being a member of City Council, and thus informs the eligibility determination:

> "An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office… In addition, a councilor shall have resided in the ward the councilor represents during the 12 months immediately before being elected or appointed to the office."

Salem City Charter, Section 25(1).

A. Ms. Vega is a qualified elector under the State Constitution.

Under the Oregon Constitution, every citizen of the United States is entitled to vote if they: are 18 years of age or older; have resided in Oregon during the six months immediately preceding the election; and are registered not less than 20 calendar days immediately preceding any election. Ms. Vega meets these qualifications and is qualified to vote as defined by Oregon law.

B. Ms. Vega resided in Ward 6 during the 12 months immediately before the election.

(1) The residency requirement does not require continuous residency.

Noticeably absent from Section 25(1) is any requirement of continuous residency. It only requires that a councilor resided in Ward 6 "during the 12 months immediately before being elected." Ms. Vega satisfied this condition because she did reside in Ward 6 during the specified time period.

Any attempt to insert the word "continuously" should be rejected. The Oregon Supreme Court has held that a requirement that a candidate be a resident of the district in which they are elected is in derogation of the common law and therefore must be expressly stated. *Thompson v. Dickson*, 202 Or 394, 401 (1954). Because "continuously" is not expressly stated, that word may not be inserted without amending the Charter.

(2) Based on the totality of the circumstances, Ms. Vega resided in Ward 6 continuously.

Alternatively, even if the City improperly imposes a "continuous" residency requirement, Ms. Vega satisfied that condition. In November 2025, Ms. Vega vacated her apartment in Ward 6 and intended to move to another apartment in Ward 6. However, the new location fell through and Ms. Vega found herself homeless until March 2026. During that time, she stayed with friends from her church in the Salem area, but not always in Ward 6. She could have slept in her car in Ward 6, but that was not a viable option. However, importantly, during her time experiencing homelessness, she continued going to her job at her business located in Ward 6 (1880 Lancaster Dr.,

NE Ste. 125, Salem, OR) and she stored her clothes and personal belongings at a U-Haul storage facility located in Ward 6 (3612 Silverton Rd. NE, Salem, OR). She spent her days in Ward 6 at her job and routinely accessed her clothes and other belongings at a storage facility in Ward 6. Additionally, Ms. Vega never registered to vote using an address outside Ward 6, never possessed a driver's license that contained an address outside Ward 6, and never intended to (and never did) establish a residence outside Ward 6.

Under Oregon law, "residency" for candidate eligibility purposes refers to domicile, not to a specific street address. *State ex rel Kristof v. Fagan*, 369 Or 261, 277 (2022). Domicile is determined through a totality-of-circumstances analysis considering factors such as where the person is licensed to drive, voter registration, and other indicia of intent to make a place one's home. ORS 249.052. Critically, Oregon statutes explicitly recognize that a person may be a bona fide resident of a jurisdiction even without a fixed address. In a 19th-century case that remains instructive, the Oregon Supreme Court held that a person who is a bona fide resident of a county but has no fixed residence or domicile in any particular precinct may still vote, recognizing that individuals whose employment requires them to shift their domicile from point to point should not be arbitrarily restricted from exercising their rights. *Wood v. Fitzgerald*, 3 Or 568 (1870).

Moreover, Oregon's voter registration system specifically accommodates homeless individuals. The Department of Transportation regulations allow homeless applicants to use a descriptive address of the location where they actually reside (such as "under the west end of Burnside Bridge") along with a mailing address, provided they can prove they are residents or domiciled in Oregon. OAR 735-062-0030(5). This demonstrates that Oregon does not equate residency with having a traditional street address.

Given the above authorities, and unmentioned constitutional protections regarding equal rights and the privileges and immunities clause, the fact that Ms. Vega was homeless and could not register a traditional address does not establish that she failed to maintain domicile in Ward 6. Despite lacking a fixed address in Ward 6, she maintained her domicile in Ward 6 through the totality of circumstances—including her business being located in Ward 6, her storage unit being in Ward 6, and her intent to remain in Ward 6, as evidenced by her eventual rental of a home in Ward 6 in March 2026. As stated in ORS 247.035(1)(a) "the person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person intends to return." In this matter, Ms. Vega's habitation was fixed in Ward 6 continuously during the year before the election, and if going on a three-month vacation would allow a candidate to be "absent" and still qualify as a candidate, then surely a three-month homelessness experience should qualify as a permitted "absence."

Finally, ORS 247.290, which requires an elector to update their voter registration if they move within their county, imposes no deadline. Ms. Vega complied with this

statute as soon as she secured a fixed address. The addresses Ms. Barton provides for where Ms. Vega allegedly lived pre-November 2025 are irrelevant. Ms. Barton's recorded phone call to Lancaster Commons demonstrates her dishonesty, as she misrepresented her identity and purpose for calling. Ms. Barton's challenge should be rejected for all the above reasons.

Thank you for considering this response. Please don't hesitate to contact me if you have any questions about the information provided.

Very truly yours,

Jill Gibson

DECLARATION OF BETSY VEGA
IN OPPOSITION TO CHALLENGE OF RESIDENCY

I, Betsy Vega, being duly sworn, do hereby depose and state the following:

1. I am over the age of 18 and am competent to testify to the matters stated herein. I have personal knowledge of the facts stated below.

2. I am currently a candidate for City of Salem Ward 6. It has always been my unwavering intent to reside within Ward 6 and to serve my community as a volunteer servant for the City of Salem.

3. In November 2025, I moved out of my apartment at Lancaster Commons Apartments. My intent was to immediately move into another apartment located within Ward 6. To ensure compliance, I used the City of Salem's Ward interactive map to verify that prospective rentals were within the Ward 6 boundaries.

4. Unfortunately, our rental applications were denied. As a result, I had no choice but to place my belongings into a storage unit, which is also located within Ward 6. Consequently, I became homeless.

5. Attached are screenshots of denials of my apartment applications in November 2025. All of the applications were submitted to apartments within Ward 6, which shows that I was intending to remain domiciled in Ward 6.

6. During this period of homelessness, my son and his fiancé stayed with friends in West Salem, while I initially stayed with a friend in Keizer and subsequently couch-surfed with church friends within the Salem and Keizer area.

7. My son and his fiancé subsequently purchased a house in South Salem and offered me the opportunity to move in with them. I also received an offer to live in an

Accessory Dwelling Unit (ADU) on my daughter's property in Forest Grove (Washington County), as well as offers from other friends outside the area. I declined all of these offers because I was strictly committed to finding a room to rent within Ward 6.

8. Finding a suitable rental was challenging because I needed a location that would accommodate my Teacup Chihuahua, Rosita. By mid-December 2025, the approaching holidays (Thanksgiving, Christmas, and New Year's) made the housing search exceedingly difficult. I temporarily paused my search to prepare for the Christmas of Hope Annual Event.

9. I resumed my housing search after the New Year. I continued to use the Ward interactive map to verify that any prospective addresses coincided with Ward 6 limits. In February 2026, I successfully found a suitable match and moved in. In March 2026, I made the move official and updated my voting record to reflect my new home.

10. Throughout this transitional homeless period, I maintained a consistent physical presence in Ward 6.

11. For my job, I rent a room inside a flower shop located at 1880 Lancaster DR NE, Salem, OR 97305, where I store my balloon supplies and create arrangements for orders. I continued going to my job in Ward 6 during the time I did not have a fixed address. I spent most of my time either working at this store during business hours or meeting with bookkeeping clients at the Starbucks on Lancaster Drive, which is also located within Ward 6 limits.

12. During my period of homelessness, I stored my clothes and personal belongings at a U-Haul storage facility located in Ward 6 – 3612 Silverton Rd. NE, Salem, OR. My daily activities occurred in Ward 6 at my job location and at my storage facility.

13. I never registered to vote using an address outside Ward 6, never possessed a driver's license that contained an address outside Ward 6, and never intended to (and never did) establish a residence outside Ward 6.

14. My driver's license and motor vehicle registration reflected my Coral Ave address, in Ward 6, until I recently updated my address to Swegle Rd, in Ward 6, at the DMV.

15. At all times relevant to this matter, I have demonstrated a continuous intent to remain a resident of Ward 6.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED: 02/07/2026

By: Betsy Vega (Jul 2, 2026 09:29:28 PDT)
Betsy Vega

14:10

37

Your network settings prevent content from loading privately.

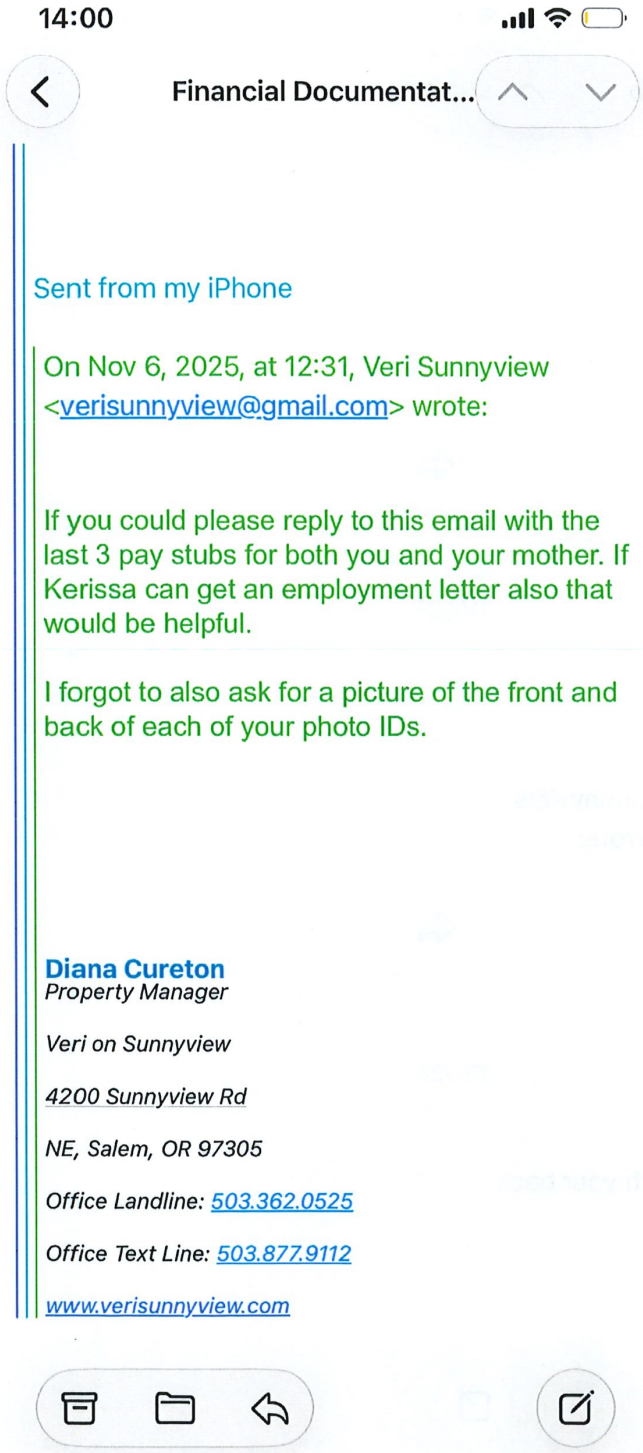
Load Content

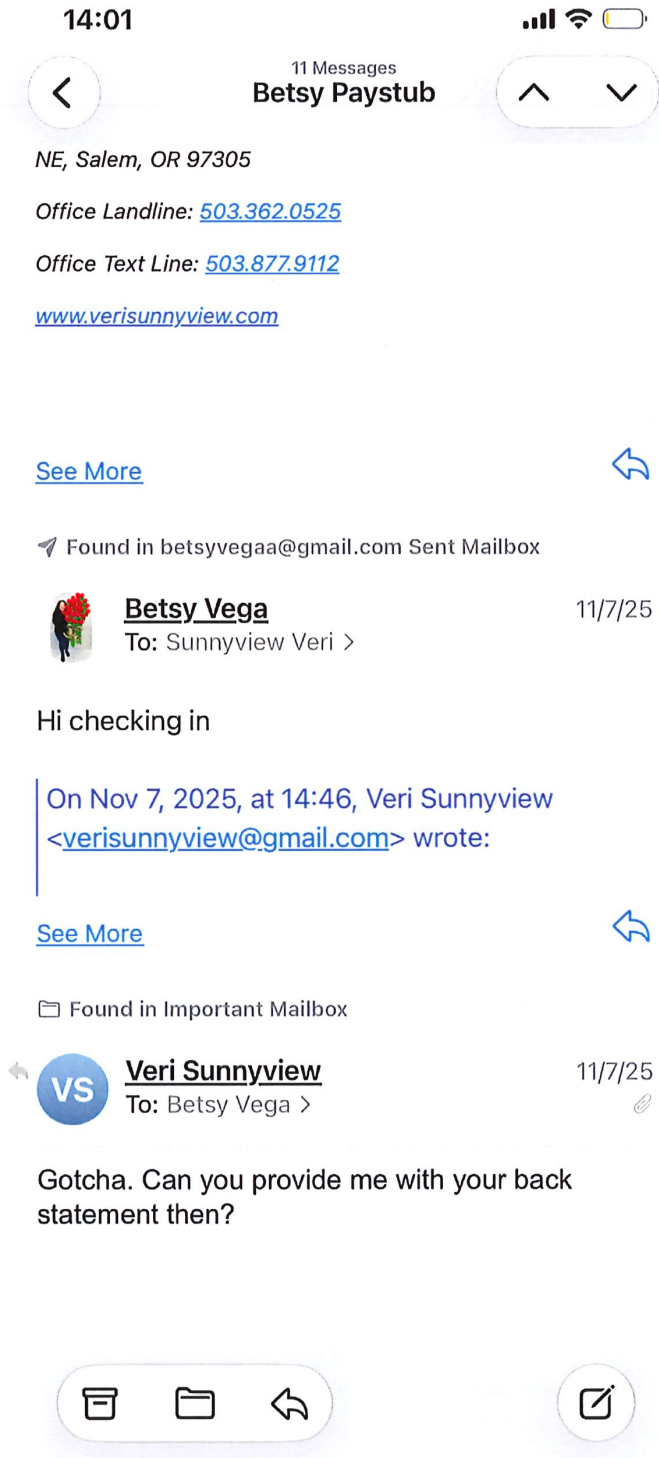
Betsy Vega 11/5/25
To: Charlie >

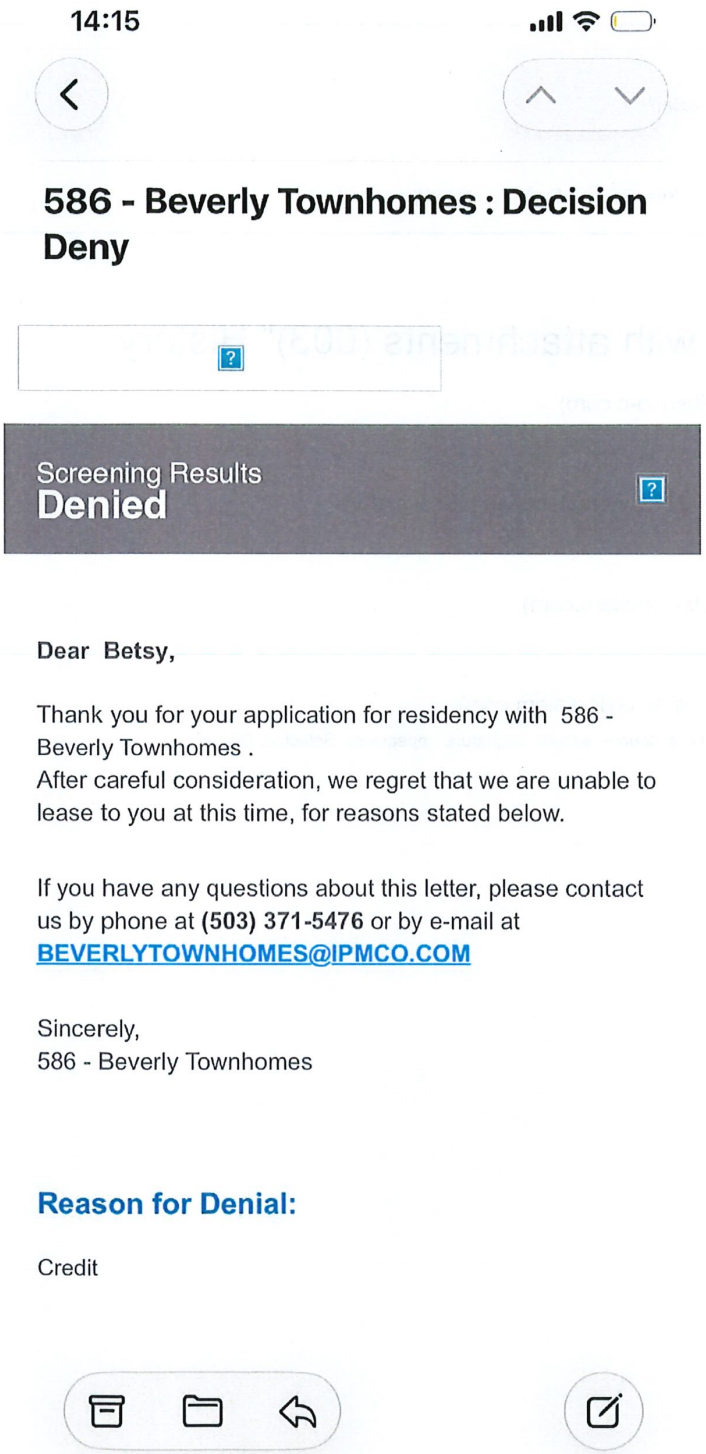
Re: Apartment Inquiry at The Jory

Thank you,
Betsy

> On Wed, Nov 5, 2025 at 10:57 AM Charlie <charlie.p@theneighborlyway-leasing.com> wrote:
> Hi Betsy,
>
> Thank you for reaching out. I will consult with a colleague to confirm whether we have received your application and get back to you shortly.
>
> Best,
> Charlie
>
> To opt-out of emails reply "Unsubscribe" or use this link UNSUBSCRIBE.
>
> By replying you consent to this Privacy Policy. Replies may be human and/or AI generated. Emails are collected and recorded by a third party. Neighborly Communities LLC 909 Park Ave NE Salem, OR 97301


14:00
Financial Documentat...
Sent from my iPhone
On Nov 6, 2025, at 12:31, Veri Sunnyview <verisunnyview@gmail.com> wrote:
If you could please reply to this email with the last 3 pay stubs for both you and your mother. If Kerissa can get an employment letter also that would be helpful.
I forgot to also ask for a picture of the front and back of each of your photo IDs.
Diana Cureton
Property Manager
Veri on Sunnyview
4200 Sunnyview Rd
NE, Salem, OR 97305
Office Landline: 503.362.0525
Office Text Line: 503.877.9112
www.verisunnyview.com


14:01
11 Messages
Betsy Paystub
NE, Salem, OR 97305
Office Landline: 503.362.0525
Office Text Line: 503.877.9112
www.verisunnyview.com
See More
Found in betsyvegaa@gmail.com Sent Mailbox
Betsy Vega
To: Sunnyview Veri >
11/7/25
Hi checking in
On Nov 7, 2025, at 14:46, Veri Sunnyview <verisunnyview@gmail.com> wrote:
See More
Found in Important Mailbox
VS
Veri Sunnyview
To: Betsy Vega >
11/7/25
Gotcha. Can you provide me with your back statement then?


14:15
586 - Beverly Townhomes : Decision Deny
Screening Results
Denied
Dear Betsy,
Thank you for your application for residency with 586 - Beverly Townhomes .
After careful consideration, we regret that we are unable to lease to you at this time, for reasons stated below.
If you have any questions about this letter, please contact us by phone at (503) 371-5476 or by e-mail at BEVERLYTOWNHOMES@IPMCO.COM
Sincerely,
586 - Beverly Townhomes
Reason for Denial:
Credit

2026-07-01 Vega Decl. with attachments (003)

Final Audit Report 2026-07-02

Created:	2026-07-02
By:	Jill Gibson (jill@gibsonp-c.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAARLIWpM_K6eJEguMVAEvc3IYLZcXXfPUS

"2026-07-01 Vega Decl. with attachments (003)" History

Document created by Jill Gibson (jill@gibsonp-c.com)
2026-07-02 - 4:23:59 PM GMT

Document emailed to Betsy Vega (betsy@betsyforsalem.com) for signature
2026-07-02 - 4:24:04 PM GMT

Email viewed by Betsy Vega (betsy@betsyforsalem.com)
2026-07-02 - 4:28:47 PM GMT

Document e-signed by Betsy Vega (betsy@betsyforsalem.com)
Signature Date: 2026-07-02 - 4:29:28 PM GMT - Time Source: server - Signature Appearance Selected: DRAW

Agreement completed.
2026-07-02 - 4:29:28 PM GMT

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