

SUPREME COURT

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On January 12, 2022, the Supreme Court:

1. Allowed the petition for alternative writ of mandamus as follows¹:

State ex rel Nicholas Kristof v. Shemia Fagan, (S069165) (original mandamus proceeding involving a decision from the Oregon Secretary of State)

Relator Nicholas Kristof is a candidate for Governor whose candidate filing was rejected by the Secretary of State, because she determined that he did not meet the requirement, contained in Article V, section 2, of the Oregon Constitution, that a candidate for governor have been a "a resident within this State" during the "three years next preceding [the candidate's] election."

Relator filed a petition for a writ of mandamus, seeking to compel the Secretary of State to accept his candidate filing, to deem him eligible to serve as governor, and to have him placed on the ballot. The secretary filed a response that supported issuance of an alternative writ, so that the legal question could be decided on the merits. The Oregon Supreme Court allowed the petition and issued an order and alternative writ of mandamus that directed the parties to file briefing and stated that the Court would decide the merits without argument, with the case to be submitted on the briefs on January 27, 2022. Justice Christopher L. Garrett did not participate.

The issue in this mandamus proceeding is whether the Secretary of State erred in concluding that relator had not satisfied the residency requirement of Article V, section 2, of the Oregon Constitution.

¹ These summaries of cases are prepared for the benefit of members of the media to assist them in reporting the court's activities to the public. Parties and practitioners should not rely on the summaries, or the statement of issues to be decided in the summaries, as indicating the questions that the Supreme Court will consider. Regarding the questions that the Supreme Court may consider, see Oregon Rule of Appellate Procedure 9.20.