

Jackson County staff attorney refutes elections law violation allegations

Chief petitioner for Jackson County for All, which is promoting three ballot measures on county commissioner makeup, also has requested a state investigation

A staff attorney for Jackson County rejected allegations that county officials violated elections law when they discussed three potential ballot measures.

The county's response is to a Feb. 27 cease and desist letter sent by Denise Krause, chief petitioner for Jackson County for All, that was followed by a more detailed request for an investigation of county officials sent to the Oregon Secretary of State on Feb. 29.

Madison Simmons, senior assistant county council, sent a letter to Danny Jordan, the county administrator, on March 4 stating Krause's cease and desist letter implies Oregon Revised Statute 260.432 prohibits discussion by public employees of the ballot measures.

"However, only advocacy towards supporting or opposing an initiative is in violation of Oregon law," she stated. "There are no major issues or potential violations as alleged by the Letter with regard to the county, the Board of Commissioners, or the named or unnamed employees of Jackson County."

Jackson County for All recently submitted signatures to the Jackson County elections office to qualify a trio of ballot measures for the May 21 election that would increase the number of commissioners from three to five, make commissioner positions nonpartisan and reduce commissioner salaries.

The signatures are being reviewed by the Jackson County elections office. This process is expected to conclude by March 20 so the ballot measures can qualify for the May primary election.

Simmons stated in her letter that the courts have weighed in previously on the distinction between providing "neutral education and advocacy."

She also found that the cease and desist letter lacked sufficient information to back up the allegations.

"Thus, without JCFA providing any more specific allegations, I conclude that there is no evidence I was able to find that Commissioners, the county, Mr. Jordan, or any other named or unnamed County employees 'coerced, commanded and/or required public employees to take actions which violate ORS 260.432.'"

At the Feb. 15 commissioner meeting, Jordan went over budget numbers and said that he anticipates the expansion to five commissioners would add hundreds of thousands of dollars in costs — starting at \$212,619 per year — to the county's bottom line.

According to a copy of the budget, on top of ongoing increased costs are one-time construction costs ranging from \$380,000 to \$480,000, putting first-year costs between \$592,619 and \$692,619.

Jordan said in a later email that, even if it is passed by voters, the salary cap could be stricken by the courts due to a conflict between the county charter and state law regarding how salaries for elected county officials are set.

Bolstering the county's contention that it didn't violate elections law, Simmons cited correspondence from former Jackson County Commissioner Dave Gilmour praising Jordan for his "excellent and detailed evaluation of potential costs."

Gilmour, another chief petitioner for the three ballot measures, further said the numbers presented by Jordan will help the public evaluate potential costs.

Contacted Tuesday, Gilmour said he thought Jordan provided a public service.

"I did praise him for that," he said.

In retrospect, he said, Jordan should have just handed out a spreadsheet to everybody at the meeting rather than let people wait for the written information.

He said Jackson County for All will reveal its own costs to expand the board of commissioners, which he expected to be lower than those presented by Jordan. The group planned to hold a meeting — being billed as a town hall — at 6 p.m. Tuesday, March 5, at the Medford library.

Despite the praise for Jordan, Gilmour said he supported sending the cease and desist letter.

"If they're violating the law, we don't want them to keep doing it over and over again," he said. "It's out there, and we'll have the Secretary of State weigh in on that."

Jackson County for All's request for investigation sent to the Secretary of State contains more than a dozen exhibits and provides greater detail than the cease and desist letter.

Laura Kerns, communications director with the Secretary of State, said she couldn't say how long it would take to process a request for an investigation, which are generally on a first-come, first-served basis. Two staff members are assigned the cases, and they closed 275 cases out of 471 complaints in 2023.

Jackson County for All's request for investigation states: "(Commissioner Rick) Dyer gave Jordan free rein to assert arguments against the Measures and hand out documents created by County employees from January 18 through that morning which Jordan declined to provide to the citizens in attendance. Jordan's presentation was not measured, dispassionate or objective, nor was it factually accurate. This was by no means an informational session."

Laura Ahearn, a volunteer for Jackson County for All, said the county only responded to the cease and desist letter, but not to the more detailed allegations in the request for investigation sent to the Secretary of State.

"The cease and desist letter was just the bare allegations," Ahearn said. "The important thing now is the factually fleshed-out request for an investigation. The proper course is what we've done. We've filed with the Secretary of State."