

Chief petitioner for ballot measures accuses Jackson County of elections law violations

Denise Krause of Jackson County for All sends cease and desist letter, plans to request state investigation; no response yet from county officials

An organizer of three local ballot measures has sent a cease and desist letter to Jackson County claiming repeated violations of Oregon elections law.

In the Tuesday, Feb. 27, letter, Denise Krause, chief petitioner for Jackson County for All, alleges that the Jackson County Board of Commissioners, County Administrator Danny Jordan and County Counsel Joel Benton are violating Oregon election laws and promoting “false statements.”

Jackson County for All recently submitted signatures to the Jackson County Elections Office to qualify three ballot measures for the May primary election that would increase the number of commissioners from three to five, make the commissioner position nonpartisan and reduce salaries for the commissioners.

The signatures are being reviewed by the elections office, which is expected to be concluded by March 20 in order to qualify for the May 21 primary election.

The county hasn't responded to Krause's letter.

In addition to the letter, Krause said she was preparing a request for an investigation that will be forwarded to the Oregon Secretary of State.

She said Jordan spoke at length about the effects of the ballot measures at a Feb. 15 meeting under the mistaken belief that he could comment so long as the ballot measures hadn't qualified for the election.

“Actually, Oregon election law says he can't comment as soon as the measures were filed on July 28 (2023),” Krause said. “It is completely violating our rights.”

She cited Oregon Administrative Rule 165-013-0030 and Oregon Revised Statute 260.432 that apply to initiative efforts, prohibiting comments by public employees as soon as the prospective petitions are filed with the appropriate elections filing officer.

On Thursday, Jordan referred any questions to the county counsel's office. Jordan indicated the county hadn't filed a response to the Krause letter yet. Benton, the county counsel, said the county hasn't prepared a response yet.

Commissioner Dave Dotterer said the county hasn't put out a reply to the Krause letter.

“I have no comments right now,” he said.

Laura Kerns, communications director for the Oregon Secretary of State's office, referred questions about the issue to a document entitled Restrictions on Political Advocacy by Public Employees that provides the latest information on Oregon law.

According to the publication, public employees are prohibited from supporting or opposing an initiative, referendum or recall petition “as soon as a prospective petition is filed with the appropriate elections filing officer (for a statewide initiative, this is the date the sponsorship prospective petition is filed).”

Citing ORS 260.432, the Secretary of State publication states, “The prohibition ceases to apply at 8 p.m. on the date of the election at which the candidate, measure, recall or referendum is being voted on. The prohibition ceases to apply to a petition (initiative, referendum or recall) on the date the petition is withdrawn or becomes void.”

However, in the case of a legislative referral, public employees may produce materials about a measure before it is certified to the ballot, according to the same Secretary of State publication.

At the Feb. 15 commissioner staff 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 between \$380,000 and \$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.

If the salary cap is overturned, Jordan wrote, he anticipates the annual cost increases to jump another roughly \$300,000, bringing the first-year capital and operating cost estimates to between \$880,000 and \$980,000.

During the Feb. 15 meeting, Commissioner Rick Dyer criticized Jackson County for All for putting the measures on the May 21 primary election, which historically attracts lower voter turnout than the November general election.

"How is that Jackson County for All of Us?" Dyer said.

Krause, in responding to Dyer's comments, said that the signature gathering had gone much better than expected, and with momentum on their side, the group opted for the May primary.

“We’re hoping we get more attention in May than we would in November,” she said. “The voters want it now. The point is to get more voters out in May.”

She criticized what she alleges are efforts by the county to undermine the ballot measures because the commissioners don't seem to want it on the May ballot.

As to the cost of adding two commissioners, Krause claims Jordan effectively padded his analysis to make it seem more expensive than it really is, but she said a Jackson County for All meeting at 6 p.m. Tuesday at the Medford library — which is being billed as a town hall — will provide an alternate breakdown of the costs.

Krause previously ran unsuccessfully for county commissioner in 2022 and currently serves as an elected board member for the Rogue Valley Transportation District.

“Look at his (Jordan’s) numbers that he’s presenting,” she said. “He’s just throwing this stuff out to the press. He got what he wanted, but he didn’t back it up.”

She said Jordan’s presentation Feb. 15 also highlighted the extra perks enjoyed by commissioners, including a yearly retreat.

“Are some of these things appropriate?” she questioned.

In her letter, Krause stated both Jordan and Benton “coerced, commanded or required” public employees to take actions that violated ORS 260.432.

She said minutes of the Jan. 11, Jan. 18 and Feb. 15 commissioner meeting support these allegations, including statements made by Jordan to the local media in January and February.

Krause said she had requested information from the county at various times about what it costs to run the commissioners’ office but encountered delays and other tactics.

“We were getting so much pushback on getting the salary data,” she said.