

CROOK COUNTY WORK SESSION


**Administration Conference Room
203 NE Court Street, Prineville, OR**


Tuesday August 30, 2022 at 9 a.m.

Members of the public and media are welcome to attend in person with social distancing or via WebEx 1-408-418-9388; Access Code: 2557 624 5694

Meeting Password: 37qgD2rbpy2

Public comment will take place at the beginning of the Work Session

	Requester	Discussion Matter	Packet Docs
1	John Eisler	Public Records Fee Reduction	
2			

	Requester	Executive Discussion Matter	Packet Docs
Exec #1		ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed	
Exec #2		ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed	

Items placed on the Work Session agenda are intended for discussion only, without making decisions or finalizing documents unless an emergency exists.

**The Court may add additional items arising too late to be part of this Agenda. Agenda items may be rearranged to make the best use of time.*

**The meeting location is accessible to persons with disabilities. If additional accommodations are required, please submit your request 48 hours prior to the meeting by contacting County Administration at 541-447-6555.*

*Requests to be placed on the Work Session agenda are
due by 5 p.m. the Thursday before the Work Session*

August 30, 2022 Work Session Agenda

Crook County Counsel's Office

267 NE 2nd St., Ste 200 • Prineville, Oregon 97754 • (541) 416-3919 • FAX (541) 447-6705

MEMO

For Work Session
August 30, 2022

TO: Crook County Court

FROM: Crook County Legal Counsel's Office

DATE: August 25, 2022

RE: Public Records Request Fee Reduction
Our File No.: County Counsel 50(N)

The County has received numerous public records requests recently regarding the 2020 election. Many of these requestors are submitting similar requests to counties across the State.

One requestor, Debbie Rodgers, has requested the "cast vote record" also known as the "BP-033." My understanding of the document is that it tracks the voted/not voted status of voters without a reference to specific election choices.

Per the Clerk's fee schedule, Ms. Rodgers was quoted a fee of \$3.75 + \$0.40 per page of the report, which at 1,112 pages comes to a total \$448.55. Ms. Rodgers responded that the quoted fee was "completely unacceptable" and sent email correspondence from other counties (Yamhill, Jefferson, and Klamath) with fees for an identical request ranging from \$28 to \$39.46 asking me to reconsider the fee (see emails attached).

In response to Ms. Rodgers, I let her know that a fee reduction request would need to be approved by the County Court and would be based on whether the request benefits "the public interest because making the record available primarily benefits the general public." ORS 192.324(5). I then asked Ms. Rodgers to share why she felt her request met this standard. Her reply was that she is part of a few election teams (auditoregon.org, oregoniansforfairelections.com, and oregonpeoplesvote.com), and they are requesting this list from counties not already on file of national records at ordos.com.

Though more directed at public versus personal use (sharing with a national database) instead of articulating the benefit, Ms. Rodgers's justification could be viewed as meritorious. One could easily argue the public interest and benefit in fair and transparent elections as a cornerstone of democracy. One more note is that the County Clerk does not distinguish between printed and digital reports.

Please let me know if you have any questions.

John Eisler

From: Deblee Rodgers <deblee0951@gmail.com>
Sent: Friday, August 19, 2022 11:05 AM
To: John Eisler
Subject: Re: PRR for GE Election Nov 2020

John,

Yes I am part of a few election teams we all share our records. I try to only ask for records from counties we don't have on file from one of the teams. You can see the national records files for CVRs at <http://ordros.com/> the main team I work with is <https://auditoregon.org/> another team is <https://oregoniansforfairelections.com/> another <https://www.oregonpeoplesvote.com/>

I'll keep in mind that it will be a couple of weeks for you to get back to me.

Thank you,
 Debbie

On Fri, Aug 19, 2022 at 10:56 AM John Eisler <John.Eisler@co.crook.or.us> wrote:

Hi Debbie,

A fee reduction request would need to be approved by our County Court. The nearest date available to bring this to their attention is Tuesday, August 30. The standard to consider a reduction in fees is whether the request benefits "the public interest because making the record available primarily benefits the general public." ORS 192.324(5). Would you mind sharing briefly with me how you feel your request meets this standard?

Best,

JOHN EISLER

ASSISTANT COUNSEL



Crook County Legal Counsel's Office

Physical: 301 NE 3rd St., Ste. 200, Prineville, OR 97754

Mailing: 300 NE 3rd St., Prineville, OR 97754

Office: (541) 416-3919 Ext. 279 Fax: (541) 447-6705

From: Deblee Rodgers <deblee0951@gmail.com>
Sent: Thursday, August 18, 2022 5:16 PM
To: John Eisler <John.Eisler@co.crook.or.us>
Subject: Re: PRR for GE Election Nov 2020

John,

This fee is completely unacceptable. I forwarded fees from 2 counties that are much larger than Crook County. Please reconsider your fee for this PRR.

Thank you,

Debbie

On Wed, Aug 17, 2022 at 11:01 AM John Eisler <John.Eisler@co.crook.or.us> wrote:

Hi Debbie,

Yes, we can produce the BP-033. However, my understanding is that it is only voter totals without candidates.

The fee would be \$3.75 + \$0.40 per page. I believe the document is 1,112 pages, which would bring the total to \$448.55.

Please let me know if you'd like to proceed and I'll give you payment information.

Best,

JOHN EISLER

ASSISTANT COUNSEL



Crook County Legal Counsel's Office

Physical: 301 NE 3rd St., Ste. 200, Prineville, OR 97754

Mailing: 300 NE 3rd St., Prineville, OR 97754

Office: (541) 416-3919 Ext. 279 Fax: (541) 447-6705

From: DebLee Rodgers <deblee0951@gmail.com>

Sent: Tuesday, August 16, 2022 4:19 PM

To: John Eisler <John.Eisler@co.crook.or.us>

Subject: Re: PRR for GE Election Nov 2020

John,

The counties that do not have the Cast Vote Record report available have been providing the Vote/Not Voted or the Cast/Not Cast, it's the BP-033 for some systems. With this I like to get the reports with all candidate vote totals as reported throughout the election, from the 1st report on the evening of the 3rd to the final certified results. Several counties have provided these reports at now charge, some have nominal fees. Can you provide these reports?

Thank you,

Debbie

John Eisler

From: Deblee Rodgers <deblee0951@gmail.com>
Sent: Thursday, August 18, 2022 5:13 PM
To: John Eisler
Subject: Fwd: PRR for Vote/Not Voted

John,

Crook County had 15,558 ballots cast for the November 2020 General Election, Jefferson County had 11,992, they charged me \$28.00. Yamhill had 59,503 ballots cast for the same election and charged me 39.46. I will forward Klamath County FYI, they had 36,973 cast ballots and charged \$34.00.

Crook County's fee for 15,558 ballots should not be over \$30.00. Please reconsider your fees for this request.

Thank you,
Debbie

----- Forwarded message -----

From: Elections Mailbox <elections@co.yamhill.or.us>
Date: Fri, Jul 29, 2022 at 1:23 PM
Subject: RE: PRR for Vote/Not Voted
To: Deblee Rodgers <deblee0951@gmail.com>

Hi Debbie,

We have ran the report that you have requested of the Voted/Not Voted List and it is way too large for us to email. We can charge you the fee to mail it to you or you can stop by and pick it up. Let us know what will work for you the cost of the initial set up and record retrieval is \$39.46. The second report that you asked us for the State of Oregon abstract of votes would be something the State would provide. Our Cumulative and Canvass report is on our website but that is just Yamhill County's final official results. Once we have determined how you would like to have the information delivered and you have paid for the records we will go ahead and get it mailed out or ready for pick up.

Thanks,
Keri

[CAUTION:This email originated from outside of the organization. DO NOT CLICK LINKS or open attachments unless you recognize the sender and know the content is safe]

John Eisler

From: Deblee Rodgers <deblee0951@gmail.com>
Sent: Thursday, August 18, 2022 5:14 PM
To: John Eisler
Subject: Fwd: Online Form Submittal: Request for Public Records - Vote/Not Voted

John,

Here's the info for Klamath County on the Vote/Not Voted.

Debbie

----- Forwarded message -----

From: **Rochelle Long** <rlong@co.klamath.or.us>
Date: Mon, Aug 1, 2022 at 3:35 PM
Subject: RE: Online Form Submittal: Request for Public Records - Vote/Not Voted
To: Deblee Rodgers <deblee0951@gmail.com>

Requested: Vote/ Not Voted Report, November 2020 General Election.

Response: Fee received \$34.00 for November 2020 vote/not voted report.

The report for the 2020 General Vote/Not Voted Report fulfilled.

Have a nice evening.

Regards,

Rochelle Long

Klamath County Clerk

305 Main St

Klamath Falls, OR 97601

P: 541.883.5134, F: 541.885.6757

DISCLOSURE NOTICE: Messages to and from this e-mail address may be subject to Oregon Public Records Law. The information contained herein does not constitute legal advice. Information provided herein should be verified with receiver's own legal counsel.

On Fri, Jun 24, 2022 at 4:53 PM Rochelle Long <rlong@co.klamath.or.us> wrote:

We are in receipt of your public records request dated June 21, 2022.

Requested: Vote/ Not Voted Report, November 2020 General Election and May 2020 Primary.

Response: The cost for the requested reports is \$64. We will not be able to process this request until after July 1. If we are able to process sooner; we will, once fee is received.

You can send a check for \$64.00 or pay over the phone with a credit card (the merchant charges \$1.49 processing fee); we will e-mail you the reports.

November 2020 - \$34.00

May 2020 - \$30.00

Have a nice evening.

Rochelle Long

Klamath County Clerk

305 Main St

Klamath Falls, OR 97601

P: 541.883.5134, F: 541.885.6757

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