

Senate Bill 1043

Sponsored by Senators COURTNEY, FERRIOLI, DEVLIN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows legislative staff to explain vote of member of Legislative Assembly on measures referred to voters.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to elections; amending ORS 260.432; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 260.432 is amended to read:

260.432. (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYEES:

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) Nothing in this section prohibits an employee of the legislative branch from explaining

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **the vote of a member of the Legislative Assembly on:**

2 (a) **An Act that has been referred to the people by law or petition under section 1 (3),**
3 **Article IV of the Oregon Constitution;**

4 (b) **An Act for which a prospective referendum petition has been filed under ORS 250.045;**
5 **or**

6 (c) **A constitutional amendment or revision proposed under section 1 or 2, Article XVII**
7 **of the Oregon Constitution.**

8 [(4)] (5) As used in this section:

9 (a) "Public employee" does not include an elected official or a person appointed as a director
10 to the board of a pilot education service district under section 11, chapter 828, Oregon Laws 2005.

11 (b) "Public employer" includes any board, commission, committee, department, division or insti-
12 tution in the executive, administrative, legislative or judicial branch of state government, and any
13 county, city, district or other municipal corporation or public corporation organized for a public
14 purpose, including a cooperative body formed between municipal or public corporations.

15 **SECTION 2.** ORS 260.432, as amended by section 8, chapter 589, Oregon Laws 2007, is amended
16 to read:

17 260.432. (1) No person shall attempt to, or actually, coerce, command or require a public em-
18 ployee to influence or give money, service or other thing of value to promote or oppose any political
19 committee or to promote or oppose the nomination or election of a candidate, the gathering of sig-
20 natures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a
21 public office holder.

22 (2) No public employee shall solicit any money, influence, service or other thing of value or
23 otherwise promote or oppose any political committee or promote or oppose the nomination or
24 election of a candidate, the gathering of signatures on an initiative, referendum or recall petition,
25 the adoption of a measure or the recall of a public office holder while on the job during working
26 hours. However, this section does not restrict the right of a public employee to express personal
27 political views.

28 (3) Each public employer shall have posted in a conspicuous place likely to be seen by its em-
29 ployees the following notice in printed or typewritten form:

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32 **ATTENTION ALL PUBLIC EMPLOYEES:**

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34 "No public employee shall solicit any money, influence, service or other thing of value or otherwise
35 promote or oppose any political committee or promote or oppose the nomination or election of a
36 candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption
37 of a measure or the recall of a public office holder while on the job during working hours. However,
38 this section does not restrict the right of a public employee to express personal political views."

39 It is therefore the policy of the state and of your public employer that you may engage in poli-
40 tical activity except to the extent prohibited by state law when on the job during working hours.

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43 (4) **Nothing in this section prohibits an employee of the legislative branch from explaining**
44 **the vote of a member of the Legislative Assembly on:**

45 (a) **An Act that has been referred to the people by law or petition under section 1 (3),**

1 **Article IV of the Oregon Constitution;**

2 **(b) An Act for which a prospective referendum petition has been filed under ORS 250.045;**

3 **or**

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5 **of the Oregon Constitution.**

6 [(4)] (5) As used in this section:

7 (a) "Public employee" does not include an elected official.

8 (b) "Public employer" includes any board, commission, committee, department, division or insti-
9 tution in the executive, administrative, legislative or judicial branch of state government, and any
10 county, city, district or other municipal corporation or public corporation organized for a public
11 purpose, including a cooperative body formed between municipal or public corporations.

12 **SECTION 3. This 2010 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
14 **on its passage.**

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