

# House Bill 2830

Sponsored by Representative DOHERTY

## 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**.

Prohibits Secretary of State from imposing civil penalty on person who violates prohibitions on political activities by public employees if person's actions were sanctioned by relevant legal counsel.

## A BILL FOR AN ACT

Relating to penalties for public employees engaging in prohibited political activities; creating new provisions; and amending ORS 260.432.

**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:

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### 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.

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

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

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

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

8 **(5) The Secretary of State may not impose a civil penalty under ORS 260.995 for a vio-**  
9 **lation of this section if the activity that violates this section was specifically approved by the**  
10 **legal counsel for the public employer that employs the person who violated this section.**

11 [(5)] (6) As used in this section:

12 (a) "Public employee" does not include an elected official or a person appointed as a director  
13 to the board of a pilot education service district under ORS 334.108.

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

18 **SECTION 2. The amendments to ORS 260.432 by section 1 of this 2019 Act apply to poli-**  
19 **tical activities occurring on or after the effective date of this 2019 Act.**

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