Senate Bill 731

Sponsored by Senators GELSER, DEMBROW

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.**

Authorizes recognized student government of community college or public university, or member of recognized student government, to make statement or issue resolution to promote or oppose gathering of signatures on initiative or referendum petition or adoption of ballot measure.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to political activity at public post-secondary institutions of education; creating new provisions; amending ORS 260.432; and prescribing an effective date.

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.

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.

(4)(a) Notwithstanding subsections (1) and (2) of this section:

(A) The recognized student government of a community college or public university listed in ORS 352.002, or a member of the recognized student government while acting as a member, may make a statement or issue a resolution to promote or oppose:

(i) The gathering of signatures on an initiative or referendum petition; or

(ii) The adoption of a measure.

(B) A member of the board of education of a community college district, a member of the governing board, as defined in ORS 352.029, of a public university or an employee of a community college or public university may take any action as a public employee that is necessary to allow the recognized student government, or member of the recognized student government, to engage in activities described in subparagraph (A) of this paragraph.

(b) Except for facilitating the actions described in paragraph (a) of this subsection, the recognized student government of a community college or public university, or a member of the recognized student government while acting as a member, may not use mandatory student-initiated fees, mandatory enrollment fees, mandatory incidental fees or any public moneys to 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.

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

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

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

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

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

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

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

SECTION 2. The amendments to ORS 260.432 by section 1 of this 2019 Act apply to any action taken by the recognized student government of a community college or public university listed in ORS 352.002, and the members of the recognized student government, on or after the effective date of this 2019 Act.

SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.