

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 731**

1 On page 2 of the printed bill, after line 37, insert:

2 **“SECTION 3.** ORS 260.432, as amended by section 1 of this 2019 Act, is
3 amended to read:

4 “260.432. (1) No person shall attempt to, or actually, coerce, command or
5 require a public employee to influence or give money, service or other thing
6 of value to promote or oppose any political committee or to promote or op-
7 pose the nomination or election of a candidate, the gathering of signatures
8 on an initiative, referendum or recall petition, the adoption of a measure or
9 the recall of a public office holder.

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

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

20 “ _____

21 **ATTENTION ALL PUBLIC EMPLOYEES:**

1 The restrictions imposed by the law of the State of Oregon on your poli-
2 tical activities are that ‘No public employee shall solicit any money, influ-
3 ence, service or other thing of value or otherwise promote or oppose any
4 political committee or promote or oppose the nomination or election of a
5 candidate, the gathering of signatures on an initiative, referendum or recall
6 petition, the adoption of a measure or the recall of a public office holder
7 while on the job during working hours. However, this section does not re-
8 strict the right of a public employee to express personal political views.’

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

12 “ _____

13 “[*(4)(a) Notwithstanding subsections (1) and (2) of this section:*]

14 “[*(A) The recognized student government of a community college or public*
15 *university listed in ORS 352.002, or a member of the recognized student gov-*
16 *ernment while acting as a member, may make a statement or issue a resolution*
17 *to promote or oppose:*]

18 “[*(i) The gathering of signatures on an initiative or referendum petition;*
19 *or]*

20 “[*(ii) The adoption of a measure.*]

21 “[*(B) A member of the board of education of a community college district,*
22 *a member of the governing board, as defined in ORS 352.029, of a public uni-*
23 *versity or an employee of a community college or public university may take*
24 *any action as a public employee that is necessary to allow the recognized stu-*
25 *dent government, or member of the recognized student government, to engage*
26 *in activities described in subparagraph (A) of this paragraph.*]

27 “[*(b) Except for facilitating the actions described in paragraph (a) of this*
28 *subsection, the recognized student government of a community college or public*
29 *university, or a member of the recognized student government while acting as*
30 *a member, may not use mandatory student-initiated fees, mandatory enrollment*

1 *fees, mandatory incidental fees or any public moneys to promote or oppose any*
2 *political committee or promote or oppose the nomination or election of a can-*
3 *didate, the gathering of signatures on an initiative, referendum or recall peti-*
4 *tion, the adoption of a measure or the recall of a public office holder.]*

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

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

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

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

13 “[6] (5) As used in this section:

14 “(a) ‘Public employee’ does not include an elected official or a person
15 appointed as a director to the board of a pilot education service district un-
16 der ORS 334.108.

17 “(b) ‘Public employer’ includes any board, commission, committee, de-
18 partment, division or institution in the executive, administrative, legislative
19 or judicial branch of state government, and any county, city, district or other
20 municipal corporation or public corporation organized for a public purpose,
21 including a cooperative body formed between municipal or public corpo-
22 rations.

23 **“SECTION 4. The amendments to ORS 260.432 by section 3 of this**
24 **2019 Act become operative on January 2, 2024.”.**

25 In line 38, delete “3” and insert “5”.

26