

# Senate Bill 168

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## 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**.

Expressly prohibits public employees, while on job during working hours or while otherwise working in official capacity, from promoting or opposing appointment, nomination or election of public officials.

## A BILL FOR AN ACT

1  
2 Relating to political activities of public employees; amending ORS 260.432.

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

4 **SECTION 1.** ORS 260.432 is amended to read:

5 260.432. (1) *[No]* **A** person *[shall]* **may not** attempt to, or actually, coerce, command or require  
6 a public employee to:

7 (a) Influence or give money, service or other thing of value to promote or oppose any political  
8 committee *[or to]*;

9 (b) Promote or oppose the **appointment**, nomination or election of a *[candidate,]* **person to a**  
10 **public office;**

11 (c) **Promote or oppose the filing of an initiative, referendum or recall petition;**

12 (d) **Promote or oppose** the gathering of signatures on an initiative, referendum or recall  
13 petition*[,]; or*

14 (e) **Promote or oppose** the adoption of a measure or the recall of a public office holder.

15 (2) *[No]* **A** public employee *[shall]* **may not engage in any of the following activities while**  
16 **on the job during working hours or while otherwise acting in the public employee's official**  
17 **capacity:**

18 (a) Solicit any money, influence, service or other thing of value or otherwise promote or oppose  
19 any political committee *[or]*;

20 (b) Promote or oppose the **appointment**, nomination or election of a *[candidate, the]* **person to**  
21 **a public office;**

22 (c) **Promote or oppose the filing of an initiative, referendum or recall petition;**

23 (d) **Promote or oppose the** gathering of signatures on an initiative, referendum or recall  
24 petition*[,]; or*

25 (e) **Promote or oppose** the adoption of a measure or the recall of a public office holder *[while*  
26 *on the job during working hours]*.

27 (3) *[However,]* This section does not restrict the right of a public employee to express personal  
28 political views, **provided that a reasonable person would not infer that the personal political**  
29 **views of the public employee represent the views of the public employer.**

30 *[(3)]* (4) Each public employer shall have posted in a conspicuous place likely to be seen by its

**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 employees the following notice in printed or typewritten form:  
 2 \_\_\_\_\_  
 3

4 ATTENTION ALL PUBLIC EMPLOYEES:

5 The restrictions imposed by the law of the State of Oregon on your political activities are that  
 6 “No public employee shall solicit any money, influence, service or other thing of value or otherwise  
 7 promote or oppose any political committee; [or] promote or oppose the **appointment**, nomination  
 8 or election of a [*candidate*,] **person to a public office; or promote or oppose the filing of or**  
 9 [*the*] gathering of signatures on an initiative, referendum or recall petition[,] **or the adoption of a**  
 10 **measure or the recall of a public office holder while on the job during working hours or while**  
 11 **otherwise acting in their official capacity as a public employee.** However, this section does not  
 12 restrict the right of a public employee to express personal political views, **provided that a rea-**  
 13 **sonable person would not infer that the views represent those of the public employer.”**

14 It is therefore the policy of the state and of your public employer that you may engage in poli-  
 15 tical activity except to the extent prohibited by state law when on the job during working hours  
 16 **or while otherwise working in your official capacity as a public employee.**  
 17 \_\_\_\_\_

18  
 19 [(4)(a)] **(5)(a)** Notwithstanding subsections (1) and (2) of this section:

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

- 23 (i) The gathering of signatures on an initiative or referendum petition; or
- 24 (ii) The adoption of a measure.

25 (B) A member of the board of education of a community college district, a member of the gov-  
 26 erning board, as defined in ORS 352.029, of a public university or an employee of a community col-  
 27 lege or public university may take any action as a public employee that is necessary to allow the  
 28 recognized student government, or member of the recognized student government, to engage in ac-  
 29 tivities described in subparagraph (A) of this paragraph.

30 (b) Except for facilitating the actions described in paragraph (a) of this subsection, the recog-  
 31 nized student government of a community college or public university, or a member of the recog-  
 32 nized student government while acting as a member, may not use mandatory student-initiated fees,  
 33 mandatory enrollment fees, mandatory incidental fees or any public moneys to promote or oppose  
 34 any political committee or promote or oppose the **appointment**, nomination or election of a [*candi-*  
 35 *date*] **person to a public office**, the **filing of or the** gathering of signatures on an initiative, refer-  
 36 endum or recall petition, the adoption of a measure or the recall of a public office holder.

37 [(5)] **(6)** Nothing in this section prohibits an employee of the legislative branch from explaining  
 38 the vote of a member of the Legislative Assembly on:

- 39 (a) An Act that has been referred to the people by law or petition under Article IV, section 1  
 40 (3), of the Oregon Constitution;
- 41 (b) An Act for which a prospective referendum petition has been filed under ORS 250.045; or
- 42 (c) A constitutional amendment or revision proposed under Article XVII, section 1 or 2, of the  
 43 Oregon Constitution.

44 [(6)] **(7)** As used in this section:

- 45 (a) “Public employee” does not include an elected official or a person appointed as a director

1 to the board of a pilot education service district under ORS 334.108.

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

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