

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



900 Court Street NE
Salem, Oregon 97310
Information 503-986-1523
oregon.sos@oregon.gov
sos.oregon.gov

March 21, 2023

Chair Lieber, Vice-Chair Knopp, and Members of the Senate Committee on Rules,

I am Jessica Ventura, Legislative Director for Secretary of State Shemia Fagan. Secretary Fagan's mission is to build **trust** between the people of Oregon so Oregon's public services can make a positive difference in peoples' everyday lives. [SB 168](#) achieves this goal by clarifying when public employees engage in political advocacy.

Current Challenges

[ORS 260.432](#) allows public employees to promote or oppose the nomination or election of a candidate if the candidate has not filed a declaration of candidacy or has not received or spent money to secure nomination or election, among other things ([ORS 260.005 \(1\)\(a\)](#)).

[ORS 260.005 \(1\)\(a\)](#) defines the term "candidate" which works well for campaign finance purposes. However, it can cause confusion in an [ORS 260.432](#) (campaign finance regulation) context. The definition of "candidate" in chapter 260 is based on whether the person has received or spent money to secure nomination or election. **But that information is not widely known by public employees.** In general, public employees would not be aware of whether a candidate meets that definition unless they are searching for filings on ORESTAR. In addition, some candidates are exempt from filing on ORESTAR. Therefore, the existing standard could mislead and confuse a public employee about whether the activity they are engaging in is allowed. For example, a person could meet the definition of a "candidate" under ORS chapter 260 years before they file for office; a public employee wouldn't necessarily know this unless they search ORESTAR records for future elections. As another example, a candidate could be exempt from filing on ORESTAR, and no records would display even if the public employee were to conduct a search.

Point of Contact:

Jessica Ventura, Legislative Director
Jessica.Ventura @sos.oregon.gov

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



900 Court Street NE
Salem, Oregon 97310
Information 503-986-1523
oregon.sos@oregon.gov
sos.oregon.gov

How Does SB 168 Help Public Employees

The changes requested solve this problem by removing the misleading term and explicitly stating what is not allowed: which is no public employee will engage in political advocacy while on the job or in their official capacity. The changes also clarify that public employees may express their personal political views at work so long as it is not done in a way that leads a reasonable person to infer that they are expressing an opinion of the public agency. For example, under our proposed changes, a public employee could express their personal political opinions privately to their co-worker, but may not express those same opinions in their official capacity to a group of stakeholders. The proposed changes do not affect public employee's speech while they are not on the job during working hours or not acting in their official capacity.

[-1 Amendment](#) provide clarification on what we mean by "working hours" and what it includes and does not include. This request came from the Oregon Education Association and one we agree with.

We encourage your approval of SB 168 and the -1 Amendment.

Thank you,

Jessica Ventura
Legislative Director

Point of Contact:
Jessica Ventura, Legislative Director
Jessica.Ventura @sos.oregon.gov