

**SB 168 A STAFF MEASURE SUMMARY****Carrier:** Sen. Hansell**Senate Committee On Rules****Action Date:** 03/28/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Hansell, Knopp, Lieber, Manning Jr, Steiner**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Leslie Porter, LPRO Analyst**Meeting Dates:** 3/21, 3/28**WHAT THE MEASURE DOES:**

Explicitly prohibits public employees from promoting or opposing appointment, nomination, or election of a person to public office, and from promoting or opposing filing of initiative, referendum, or recall petition, while on job during working hours or while otherwise working in official capacity. Excludes periods of time during which public employee takes time off for meal or rest breaks, or other allowable time, in accordance with Oregon labor laws, from meaning of when employee is on job during work hours.

**ISSUES DISCUSSED:**

- The definition of "candidate"
- Applicability to elected officials and teachers
- Applicability to Governor-appointed board and commission members
- The pre-filing work for recall petition

**EFFECT OF AMENDMENT:**

Excludes periods of time during which public employee takes time off for meal or rest breaks, or other allowable time, in accordance with Oregon labor laws, from meaning of when employee is on job during work hours.

**BACKGROUND:**

[Current law](#) prohibits a public employee from, while on the job during work hours, promoting or opposing: any political committee; 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.

The term "candidate" is defined in [ORS 260.005 \(1\)\(a\)](#) for the purposes of campaign finance laws and is based on whether an individual has spent or received money to secure a nomination or an election.

Senate Bill 168 A replaces the term "candidate" with "person to a public office" which clarifies that public employees are prohibited from promoting or opposing the appointment, nomination, or election of a person to a public office while on the job during working hours. Senate Bill 168 A also includes in the prohibited activities, the acts of promoting or opposing the appointment of a person to public office, and the same for the filing of an initiative, referendum, or recall petition.