

B-Engrossed
Senate Bill 168

Ordered by the House May 19
Including Senate Amendments dated March 31 and House Amendments
dated May 19

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Shemia Fagan)

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.

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.

Provides that public employee may communicate with separate public employee or elected official about appointment of person to public office if communication is made in furtherance of recipient's official duties relating to appointment required by Oregon Constitution or state statute.

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

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 petition[,] **or**

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

4 (3) [*However,*] This section does not restrict:

5 (a) The right of a public employee to express personal political views, **provided that a rea-**
6 **sonable person would not infer that the personal political views of the public employee rep-**
7 **resent the views of the public employer of the public employee; or**

8 (b) **A public employee from communicating with a separate public employee or elected**
9 **official about the appointment of a person to a public office, provided that the communi-**
10 **cation is made in furtherance of the recipient’s official duties relating to an appointment**
11 **required by the Oregon Constitution or a state statute.**

12 [(3)] (4) Each public employer shall have posted in a conspicuous place likely to be seen by its
13 employees the following notice in printed or typewritten form:

14
15
16 **ATTENTION ALL PUBLIC EMPLOYEES:**

17 The restrictions imposed by the law of the State of Oregon on your political activities are that
18 “No public employee shall solicit any money, influence, service or other thing of value or otherwise
19 promote or oppose any political committee; [*or*] promote or oppose the **appointment**, nomination
20 or election of a [*candidate,*] **person to a public office; or promote or oppose the filing of or**
21 [*the*] gathering of signatures on an initiative, referendum or recall petition[,] **or** the adoption of a
22 measure or the recall of a public office holder while on the job during working hours **or while**
23 **otherwise acting in the public employee’s official capacity as a public employee.** However, this
24 section does not restrict the right of a public employee to express personal political views, **provided**
25 **that a reasonable person would not infer that the views represent those of the public em-**
26 **ployer of the public employee.”**

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

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31
32 [(4)(a)] (5)(a) Notwithstanding subsections (1) and (2) of this section:

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

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

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

43 (b) Except for facilitating the actions described in paragraph (a) of this subsection, the recog-
44 nized student government of a community college or public university, or a member of the recog-
45 nized student government while acting as a member, may not use mandatory student-initiated fees,

1 mandatory enrollment fees, mandatory incidental fees or any public moneys to promote or oppose
2 any political committee or promote or oppose the **appointment**, nomination or election of a [*candi-*
3 *date*] **person to a public office**, the **filing of or the** gathering of signatures on an initiative, refer-
4 endum or recall petition, the adoption of a measure or the recall of a public office holder.

5 [(5)] (6) Nothing in this section prohibits an employee of the legislative branch from explaining
6 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 Article IV, section 1
8 (3), of the Oregon Constitution;

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

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

12 [(6)] (7) As used in this section:

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

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

19 (c) **"While on the job during working hours" does not include periods of time during**
20 **which a public employee is taking time off for a meal break or rest break or periods of time**
21 **during which a public employee is utilizing otherwise allowable time off in accordance with**
22 **the labor laws of this state.**

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