

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 168**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 26 and  
2 delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 260.432 is amended to read:

4 “260.432. (1) [No] A person [*shall*] **may not** attempt to, or actually, co-  
5 erce, command or require a public employee to:

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

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

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

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

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

16 **“(2)** [No] A public employee [*shall*] **may not engage in any of the fol-**  
17 **lowing activities while on the job during working hours or while oth-**  
18 **erwise acting in the public employee’s official capacity:**

19 **“(a)** Solicit any money, influence, service or other thing of value or oth-  
20 erwise promote or oppose any political committee [*or*];

21 **“(b)** Promote or oppose the **appointment**, nomination or election of a

1 [candidate, the] person to a public office;

2 “(c) Promote or oppose the filing of an initiative, referendum or  
3 recall petition;

4 “(d) Promote or oppose the gathering of signatures on an initiative,  
5 referendum or recall petition[,] or

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

8 “(3) [However,] This section does not restrict:

9 “(a) The right of a public employee to express personal political views,  
10 provided that a reasonable person would not infer that the personal  
11 political views of the public employee represent the views of the public  
12 employer of the public employee; or

13 “(b) A public employee from communicating with a separate public  
14 employee or elected official about the appointment of a person to a  
15 public office, provided that the communication is made in furtherance  
16 of the recipient’s official duties relating to an appointment required  
17 by the Oregon Constitution or a state statute.

18 “[3] (4) Each public employer shall have posted in a conspicuous place  
19 likely to be seen by its employees the following notice in printed or type-  
20 written form:

21 “ \_\_\_\_\_

22 ATTENTION ALL PUBLIC EMPLOYEES:

23 The restrictions imposed by the law of the State of Oregon on your poli-  
24 tical activities are that “No public employee shall solicit any money, influ-  
25 ence, service or other thing of value or otherwise promote or oppose any  
26 political committee; [or] promote or oppose the **appointment**, nomination  
27 or election of a [candidate,] **person to a public office; or promote or op-**  
28 **pose the filing of or [the] gathering of signatures on an initiative, referen-**  
29 **dum or recall petition[,] or the adoption of a measure or the recall of a**  
30 **public office holder while on the job during working hours or while other-**

1 **wise acting in the public employee’s official capacity as a public em-**  
2 **ployee.** However, this section does not restrict the right of a public employee  
3 to express personal political views, **provided that a reasonable person**  
4 **would not infer that the views represent those of the public employer**  
5 **of the public employee.”**

6 It is therefore the policy of the state and of your public employer that  
7 you may engage in political activity except to the extent prohibited by state  
8 law when on the job during working hours **or while otherwise working in**  
9 **your official capacity as a public employee.**

10 “ \_\_\_\_\_

11 “[~~(4)(a)~~] **(5)(a)** Notwithstanding subsections (1) and (2) of this section:

12 “(A) The recognized student government of a community college or public  
13 university listed in ORS 352.002, or a member of the recognized student  
14 government while acting as a member, may make a statement or issue a re-  
15 solution to promote or oppose:

16 “(i) The gathering of signatures on an initiative or referendum petition;  
17 or

18 “(ii) The adoption of a measure.

19 “(B) A member of the board of education of a community college district,  
20 a member of the governing board, as defined in ORS 352.029, of a public  
21 university or an employee of a community college or public university may  
22 take any action as a public employee that is necessary to allow the recog-  
23 nized student government, or member of the recognized student government,  
24 to engage in activities described in subparagraph (A) of this paragraph.

25 “(b) Except for facilitating the actions described in paragraph (a) of this  
26 subsection, the recognized student government of a community college or  
27 public university, or a member of the recognized student government while  
28 acting as a member, may not use mandatory student-initiated fees, mandatory  
29 enrollment fees, mandatory incidental fees or any public moneys to promote  
30 or oppose any political committee or promote or oppose the **appointment,**

1 nomination or election of a [*candidate*] **person to a public office**, the **filing**  
2 **of or the** gathering of signatures on an initiative, referendum or recall pe-  
3 tition, the adoption of a measure or the recall of a public office holder.

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

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

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

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

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

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

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

22 “(c) **‘While on the job during working hours’ does not include peri-**  
23 **ods of time during which a public employee is taking time off for a**  
24 **meal break or rest break or periods of time during which a public**  
25 **employee is utilizing otherwise allowable time off in accordance with**  
26 **the labor laws of this state.”**

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