

# Enrolled Senate Bill 168

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CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) **A public employee from communicating with a separate public employee or elected official about the appointment of a person to a public office, provided that the communi-**

**cation is made in furtherance of the recipient's official duties relating to an appointment required by the Oregon Constitution or a state statute.**

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

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ATTENTION ALL PUBLIC EMPLOYEES:

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

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

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

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

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

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

(b) Except for facilitating the actions described in paragraph (a) of this subsection, the recognized student government of a community college or public university, or a member of the recognized student government while acting as a member, may not use mandatory student-initiated fees, mandatory enrollment fees, mandatory incidental fees or any public moneys to promote or oppose any political committee or promote or oppose the **appointment**, nomination or election of a [candidate] **person to a public office**, the **filing of or the** gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

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

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

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

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

(b) "Public employer" includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any

county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations.

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

**Passed by Senate April 10, 2023**

**Received by Governor:**

**Repassed by Senate June 15, 2023**

.....M.,....., 2023

**Approved:**

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

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Rob Wagner, President of Senate

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Tina Kotek, Governor

**Passed by House May 25, 2023**

**Filed in Office of Secretary of State:**

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State