ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees rev 12/13

Generally, ORS 260.432 states that a public employee* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

*A "public employee" includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

As used in this Quick Reference

We use the phrase "advocate(s) a political position" to mean—

promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term "impartial" means equitable, fair, unbiased and dispassionate.

See the Secretary of State's detailed manual on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Election Laws, Rules and Publications, Manuals and Tutorials.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division	phone	503-986-1518
Secretary of State	fax	503-373-7414
255 Capitol St NE, Suite	tty	503-986-1521
Salem, OR 97310	web	www. oregonvotes.gov

Prohibited Activities

A public employee, while on the job during work hours may not:

→ prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position

→ collect funds, prepare filing forms or correspondence on behalf of candidates or political committees

→ produce or distribute a news release or letter announcing an elected official's candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official's political position

→ make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official's availability and add an event to the schedule)

→ grant unequal access to public facilities to candidates or political committees

→ direct other public employees to participate in political activities, when in the role of a supervisor

→ draft, type, format or edit a governing body's resolution that advocates a political position (except to conform the resolution to a standard format)

→ prepare or give recommendations to the governing body urging which way to vote on such a resolution

→ sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote

→ announce the governing body's position on such a resolution to the media

→ include the governing body's position or vote on such a resolution in a jurisdiction's newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client's political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)

Allowable Activities

A public employee, while on the job during working hours may:

→ prepare and distribute impartial written material or make an impartial presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed manual on ORS 260.432.)

The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.

→ perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet, etc.

→ impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way

→ address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties

→ as staff of an elected official, handle incoming calls about the official's availability for political events

→ prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)

→ in a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue respond to public records request for information, even if the material advocates a political position

→ wear political buttons subject to applicable employer policies unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3)
A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.

It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

Prohibited and Allowable Activities for Elected Officials*

*includes a person appointed to fill a vacancy in an elective public office

Elected officials may:

→ advocate a political position at any time. Elected officials are not considered a"public employee" for purposes of ORS 260.432. ORS 260.432(4)(a).

→ vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions

→ perform campaign activity at any time, however must take caution not to involve any public employee's work time to do so

Elected officials may not:

→ in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity

A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.

→ have an opinion piece or letter advocating a political position published in a jurisdiction's newsletter or other publication produced or distributed by public employees