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 occurs while off duty.

prohibited and allowable activities for elected officals (includes a person appointed to fill a vacancy in an elective public office)

Elected officials may:

- ► Advocate a political position at any time—they are not considered a "public employee" for purposes of ORS 260.432
- ▶ 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

Restrictions On Political Campaigning For Public Employees (ORS 260.432) Quick Reference (updated 1/8/04)

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

*A "public employee" includes any public official, paid or unpaid, who is not elected (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 a initiative, referendum or recall petition, candidate or ballot measure.
- ▶ The term "impartial" means equitable, fair, unbiased and dispassionate. See the Secretary of State's detailed memo on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures.

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

Secretary of State, Elections Division

John Lindback, Director State Capitol Building, Rm 141 Salem OR 97310-0722 www.sos.state.or.us/elections

phone 503 986 1518

fax 503 373 7414 **TTY** 503 986 1521

prohibited activities

A public employee, while on the job during working 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 political position
- Make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee
- Grant unequal access to public facilities to candidates or political committees
- ▶ Draft, type, format or edit a governing body's resolution that advocates a political position
- ▶ Prepare or give recommendations to the governing body urging which way to vote on such a resolution
- ► Sign such a resolution, except if signature is only ministerial and clearly included to attest 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

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
- ► Wear political buttons at any time subject to applicable employer policies
- ▶ Perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting proposed resolution into board agenda packet
- ▶ 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 measure to ballot is not subject to ORS 260.432)
- ▶ In a clerical manner, incorporate amendments into a finalized version of governing body's resolution on issue
- ▶ Respond to public records request for information, even if the material advocates a political position
- ▶ At any time, express personal political views