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**AUHR 4.06    POLITICAL ACTIVITY**

**City Rule**

The City defines “political activity” as an activity directed toward supporting or opposing federal, state or local measures, candidates, recalls, political committees, or petitions.

While engaged in a political activity, non-elected City employees may not use their official authority or influence. Examples of prohibited use of official authority or influence while participating in any political activity include, but are not limited to: using their official title; using a government-owned or leased vehicle; wearing their official uniform or any part thereof, including badges or insignia; or posting or using any image of their official badge, insignia or uniform.

To avoid use of official authority or influence, non-elected City employees should announce that they are acting in their capacity as a private citizen while engaged in political activity that involves a public presentation or speech.

**State and Federal Law**

ORS 260.432 states 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 nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours.”

ORS 260.432(1) prohibits any person from requiring, coercing, or commanding a public employee to engage in political activity, even if that activity would occur on the employee’s own time off the job. City employees may not be required by an elected official, non-elected public employee or any other person to engage in any political activity, regardless of whether the activity itself would be lawful or unlawful.

Federal laws include prohibitions affecting City employees in federally aided programs.

**Personal Political Views**

State and federal laws and the City Rule do not restrict the right of City employees to express personal political views. City employees may express personal political views, such as during a personal conversation with a colleague,

even while on the job during working hours as long as it does not interfere with the job. City employees may campaign for or against political parties, ballot measures, signatures, or candidates while on their own time outside of working hours. City employees may not use City resources for any type of political activity during working hours, including but not limited to, interoffice mail, telephone, FAX machine, Internet, email or photocopy machines.

### **Campaigning or Soliciting Campaign Funds or Assistance**

Campaigning or soliciting campaign funds or assistance is prohibited during working hours and/or when an employee is acting in their official capacity.

### **Providing Information About Ballot Measures**

City employees may prepare and provide neutral and objective information about the expected effect of ballot measures. However, the courts strictly interpret this restriction. Courts look at not only the words used, but also the context, timing, emphasis, and what is left out. Even if a City produced pamphlet does not urge a yes or no vote, it may be unlawful. Any information prepared concerning the anticipated effect of a measure on the ballot should be submitted to legal counsel for review before distribution.

### **Placing Posters, Notices, or Bumper Stickers**

City employees may not hand out, or display on City property, posters, bumper stickers, announcements of campaign events, or similar campaign materials promoting or opposing a candidate or ballot measure.

### **Political Buttons**

Wearing buttons is allowed if it is an expression of personal opinion. On or off the job, public employees may wear buttons that are intended and viewed as personal expressions of their political views. However, since citizens might identify a personal expression as an official one, discretion is advised in such situations. Special restrictions may apply to employees who wear City uniforms while on the job. Employees shall comply with any bureau specific work rules regarding uniforms.

## **Distributing Campaign Literature**

Distributing campaign literature promoting or opposing a candidate or ballot measure is prohibited during working hours and/or when a non-elected employee is acting in their official capacity. City employees may not use City resources, such as interoffice mail, telephone, fax machines, Internet or copy machines in support of or in opposition to a candidate or ballot measure. See [Administrative Rule on Use of City Resources](#)

## **Elected Officials Engaging in Political Activities**

Elected officials may not try or actually coerce, command or require City employees to engage in political activities, even if those activities would be legal and would occur off the job. An elected official may not use City employees to prepare or deliver information advocating the passage or defeat of a ballot measure or the election or defeat of a candidate. The law also prohibits trying to affect the gathering of signatures on measures proposed for a ballot. In addition to violating ORS 260.432, any of these activities could be an unauthorized expenditure of public funds for which the official or City staff could be held personally liable. ORS 294.100(2).

Elected officials and their staffs may prepare and disseminate reports about the work of their office. As long as sufficient funds are budgeted, publication of such reports is permissible if the reports serve the public interest. An elected official may have City staff prepare factual and neutral information concerning a pending ballot measure and its anticipated consequences. However, because the line between factual information and advocacy is not always easy to discern, caution is warranted and this material should be reviewed by legal counsel prior to distribution.

Elected officials may engage in political activity at any time, as long as they comply with City Charter Section 2-610. However, City Charter Section 2-204 prohibits elected officials from serving “on or under any committee of any political party” during the official’s term of office. This section does not preclude an elected official from serving on a committee to support a candidate as long as the committee is not part of or formed by a political party.

## **Publications Regarding Restrictions on Political Activity for Public Employees**

The Secretary of State has published a document containing more detailed information and guidelines on its website at <http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx>

The federal Office of Special Counsel has published the Federal Hatch Act Booklet for Local Employees on its website at <https://osc.gov/pages/hatchact-affectsme.aspx>

### **Report Suspected Violations**

Employees are expected to report suspected violations of the law and/or this rule to their supervisor, Management Services, the City Auditor, the Office of the Ombudsman or to the Auditor's [OpenCity Tipline](#). See also **Administrative Rule 11.03 Duty to Report Unlawful or Improper Actions.**

### **Contact Information**

If you have further questions or would like assistance in determining whether a particular activity is allowed, please contact Management Services.

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### **Human Resources Rule Information and History**

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 4.06 Political Activity.

Adopted by Council March 6, 2002, Ordinance No. 176302.

Last revised April 25, 2016.