



4.06 POLITICAL ACTIVITY

Rule

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." This section does not restrict the right of a public employee to express personal political views.

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.

Requiring others to Engage in Political Activity

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.

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 or the bureaus they oversee. 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 the City Attorney's office 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.

Non-elected officials, **acting in their public capacities**, may not express political opinions and may not work for or against political parties, ballot measures, signatures on measures, or candidates.

**Campaigning or Soliciting
Campaign Funds or
Assistance**

Campaigning or soliciting campaign funds or assistance is prohibited during working hours.

**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 the City Attorney's Office 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 is prohibited during working hours. City employees may not distribute literature promoting or opposing a candidate or a ballot measure during working hours. City employees may not use City resources such as interoffice mail, telephone, fax machines, Internet or copying machines in support of or in opposition to a candidate or ballot measure. See Administrative Rule on Use of City Resources.

**Secretary of State
Publication 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://www.sos.state.or.us/elections/Publications/respubemp.html>

If you do not have internet access, you may request a copy of this document from the Auditor's Office - 503.823.3546 or e-mail sfrancois@ci.portland.or.us.

Contact Information

If you have further questions or would like assistance in determining whether a particular activity is allowed, please contact the Auditor's Office - 503.823.3546 or e-mail sfrancois@ci.portland.or.us

Administrative Rule History

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