
Political Campaigning and Lobbying

Overview

Individual elected officials and governing bodies of elected officials may take positions on ballot measures or spend their work time on ballot measures. The courts have recognized the right, if not the duty, of elected public officials to speak out on major issues, particularly on matters that affect the governmental body on which they serve. However, elected officials must be careful not to involve staff in their advocacy campaign. Oregon Revised Statute (ORS) 260.432 details allowable and restricted activities of public officials (both employees and elected officials). Soil and Water Conservation Districts do have authority to lobby but with restrictions. Lobbying restrictions are covered under ORS 171.

Key Points

ORS 260.432 Statutory Provisions

- A person, including public employers and elected officials, may not require a public employee to promote or oppose any political committee or any initiative, referendum or recall petition, measure or candidate “while on the job during working hours.”
- Public employees may not be involved in promoting or opposing any political committee or any initiative, referendum or recall petition, measure or candidate “while on the job during working hours.”
- Each public employer must have posted, in all appropriate places where public employees work, a notice about the prohibitions of ORS 260.432.

Personal Expression by Public Employees

- Public employees may not distribute materials that contain political advocacy while on the job during working hours.
- Public employees have the right to express personal political views during their personal time. A public employee cannot promote or oppose a political position while they are on the job during work hours.
- A public employee cannot give a speech or presentation advocating a political position if they are on the job or acting in their official capacity. A conservation district board member may give political presentations and speeches as long as no public employee work time is utilized.
- Public employees may attend meetings at which political issues are discussed, so long as they do not engage in political advocacy themselves while on the job or acting in their official capacity.
- Public employees may wear political buttons or clothing at work so long as it does not violate conservation district policy.

Resources

SWCD Program Contacts:
Eric Nusbaum 503-510-8930

Oregon Secretary of State Elections Division
<http://www.oregonvotes.gov>

Publication: *Restrictions on Political Campaigning by Public Employees*

Applicable Laws and Rules

ORS Chapter 260.432 (Restrictions) can be found at: <https://oda.fyi/ORS260>

ORS Chapter 171 (Lobbying) can be found at: <https://oda.fyi/ORS171>

Authority to Lobby

The use of public funds for lobbying is permissible as long as:

- It is the legislature or other government entity that is being lobbied and not the electorate.
- The lobbying does not take place indirectly through a political action committee.
- The lobbying is not in support or opposition of a particular candidate or measure.
- The funds used to pay for the lobbying be either from funds specifically designated for that purpose or at least from funds not designated for some other specific purpose.