



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Advisory Committees, Planning Commission and Boards

FROM: Brenda Braden, City Attorney

DATE: May 14, 2012

SUBJECT: Prohibited activities with regard to ballot measures

Now that there is an initiative ballot measure regarding rail transit that is in the process of obtaining signatures, it seems like a good time to remind members of Tualatin's advisory committees, planning commission, and boards of what activities they are allowed to do and not allowed to do. The governing statute is ORS 260.432.

ORS 260.432 sets out the limitations on public employees' activities. **(For purposes of this statute, all appointed committee, board and commission members are considered "public employees.")** As it states in ORS 260.432 (2):

"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 the measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views." (Emphasis added.)

This means that while you are sitting in your committee, board or commission meeting, or if you are speaking someplace on behalf of your committee, board, or commission (on your job during your working hours) you may not take a position either in favor or in opposition to the initiative.

If you are not in a committee meeting or not speaking on behalf of the committee, you have the same free speech rights as any other citizen. You may speak for or against a measure, raise or contribute funds to pass or defeat the measure, make phone calls or engage in other political activities.

You may not use city resources to support your political position. You may not have staff work on the issue for you; you may not have staff copy materials to hand out; you may not use the City's telephone, webpage, letterhead, paper, etc., for your ballot measure activities nor may you have an article you've written on the subject published in the City's newsletter or on its website.

If you have any questions, please contact me at 503-691-3015.