

Safe Harbor

Presented by:

Maureen Wheeler, APR

Public Communications Officer

Beaverton School District

Oregon Secretary of State

[https://sos.oregon.gov/voting-
elections/pages/default.aspx](https://sos.oregon.gov/voting-elections/pages/default.aspx)

ORS 260.432

The statute that covers what public employees may or may not do during elections.

When Does ORS 260.432 Apply?

For a ballot measure referred to the ballot by a governing body (district, city, county, state) **as soon as the measure is certified to the ballot.**

The actions taken by a governing body and its public employees in the **planning stages of a possible measure are not subject** to ORS 260.432.

Resources

There are great resources available on the SOS Office webpage.

Check out the Additional Manuals:

Restrictions on Political Campaigning by Public Employees

<https://sos.oregon.gov/elections/Documents/restrictions.pdf>

Also there is a **Quick Reference Guide on these Restrictions**

Material Produced by Governing Bodies

ORS 260.432 stipulates that: (see pg. 12 of manual)

“Political materials produced by public employees while on the job during work hours must be impartial.”

“The Elections Divisions is available to review documents **prior to publication** to ensure compliance with ORS 260.432.”

Review Process by SOS

The Elections Division staff will review it utilizing the **impartiality requirements** which can be found on **pg. 18** of the manual.

The SOS Office will reply to within 5 business days, with a statement that the document as submitted is acceptable or with notes about how to make the document meet the impartiality requirements.

Review Process by SOS

The review process may involve re-submissions and reviews before you meet the requirements.

If the document is submitted to the Elections Division and approved in writing, there will be no violation of ORS 260.432 as long as what is printed does not deviate from the approved version.

This is what is known as **Safe Harbor**.

Impartiality Requirements

Words matter!

Does material promote or oppose a measure?

Example: explicit verbiage urging a yes or no vote

Example on cost: less than, merely, only
would be considered advocacy

Both would be violations of ORS 260.432.

Recommendations on recent Beaverton Local Option Levy FAQ

Examples:

use **if passed** versus **if approved**

State what happens **if the levy passes** and **if it is not renewed** (shows balance of information)

Oregon Secretary of State, Elections Division

503-986-1518

Elections.sos@state.or.us