

Senate Bill 784

Sponsored by Senator TELFER; Senator BATES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows member of Legislative Assembly to pay, from contributions to member or member's principal campaign committee, reasonable living and travel expenses incurred by personal legislative staff during legislative session.

A BILL FOR AN ACT

1
2 Relating to use of campaign funds; amending ORS 260.407.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 260.407, as amended by section 9, chapter 9, Oregon Laws 2010, is amended
5 to read:

6 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
7 tributions by a candidate or the principal campaign committee of a candidate for public office that
8 are in excess of any amount necessary to defray expenditures and any other funds donated to a
9 holder of public office may be:

10 (A) Used to defray any expenses incurred in connection with the recipient's duties as a holder
11 of public office;

12 **(B) If the recipient is a member of the Legislative Assembly, used to defray reasonable**
13 **travel and living expenses incurred by a person who serves in a position on the personal**
14 **legislative staff of the recipient in connection with the person's duties as a staff member**
15 **during a legislative session;**

16 *[(B)]* (C) Transferred to any national, state or local political committee of any political party;

17 *[(C)]* (D) Contributed to any organization described in section 170(c) of the Internal Revenue
18 Code or to any charitable corporation as defined in ORS 128.620; or

19 *[(D)]* (E) Used for any other lawful purpose.

20 (b) Amounts received as contributions by a candidate or the principal campaign committee of a
21 candidate for public office that are in excess of any amount necessary to defray expenditures and
22 other funds donated to a holder of public office may not be:

23 (A) Converted by any person to any personal use other than to defray any expenses incurred in
24 connection with the person's duties as a holder of public office or to repay to a candidate any loan
25 the proceeds of which were used in connection with the candidate's campaign;

26 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
27 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
28 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
29 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,
30 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

31 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
2 lates to or arises from the course and scope of the duties of the person as a candidate or public
3 official. Contributions described in this paragraph may be used to pay legal expenses incurred by
4 the candidate or public official in connection with a legal proceeding brought under this chapter,
5 other than a proceeding brought under this section or ORS 260.409.

6 (2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
7 by a political committee that is not a principal campaign committee that are in excess of any
8 amount necessary to defray expenditures may be:

9 (A) Used to repay to the political committee any loan the proceeds of which were used in con-
10 nection with the campaign;

11 (B) Transferred to any national, state or local political committee of any political party;

12 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
13 or to any charitable corporation as defined in ORS 128.620; or

14 (D) Used for any other lawful purpose.

15 (b) Amounts received as contributions by the political committee may not be:

16 (A) Converted by any person to any personal use;

17 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
18 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
19 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
20 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
21 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

22 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a
23 treasurer or director of a political committee in any civil, criminal or other legal proceeding or in-
24 vestigation that relates to or arises from the course and scope of the duties of the person as a
25 treasurer or director. Contributions described in this subsection may be used to pay legal expenses
26 incurred by a treasurer or director in connection with a legal proceeding brought under this chap-
27 ter, other than a proceeding brought under this section or ORS 260.409.

28 (3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
29 by a chief petitioner or treasurer of a petition committee organized under ORS 260.118 that are in
30 excess of any amount necessary to defray expenditures may be:

31 (A) Used to repay to the chief petitioner any loan the proceeds of which were used in con-
32 nection with the initiative, referendum or recall petition;

33 (B) Transferred to any national, state or local political committee of any political party;

34 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
35 or to any charitable corporation as defined in ORS 128.620; or

36 (D) Used for any other lawful purpose.

37 (b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee
38 may not be:

39 (A) Converted by any person to any personal use;

40 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
41 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
42 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
43 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
44 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

45 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief

1 petitioner or treasurer in any civil, criminal or other legal proceeding or investigation that relates
2 to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer.
3 Contributions described in this subsection may be used to pay legal expenses incurred by a chief
4 petitioner or treasurer in connection with a legal proceeding brought under this chapter, other than
5 a proceeding brought under this section or ORS 260.409.

6 (4) As used in this section:

7 (a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of
8 an initiative, referendum or recall petition.

9 (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
10 or deposits of money that are donated for the purpose of supporting the activities of a holder of
11 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
12 another similar public appropriating body or personal funds of the office holder donated to an ac-
13 count containing only those personal funds.

14 (c) "Public office" does not include national or political party office.
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