

D R A F T

SUMMARY

Prohibits members of Legislative Assembly from soliciting or using contributions to pay fines or legal expenses, replace salary, defray expenses or otherwise compensate members for monetary losses incurred as result of unexcused absences from sessions of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to elections; amending ORS 260.407; and declaring an emergency.

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

SECTION 1. ORS 260.407 is amended to read:

260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a candidate, the principal campaign committee of a candidate or the principal campaign committee of a holder of public office may be:

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

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

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

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a candidate, the principal campaign committee of a candidate for public office or the principal campaign committee of a holder of public office may not be:

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

5 (B) Except as provided in this subparagraph, used to pay any money
6 award as defined in ORS 18.005 included as part of a judgment in a civil or
7 criminal action or any civil penalty imposed by an agency as defined in ORS
8 183.310 or by a local government as defined in ORS 174.116. Contributions
9 described in this paragraph may be used to pay a civil penalty imposed under
10 this chapter, other than a civil penalty imposed for a violation of this section
11 or ORS 260.409;

12 (C) Except as provided in this subparagraph, used to pay any legal ex-
13 penses incurred by the candidate or public official in any civil, criminal or
14 other legal proceeding or investigation that relates to or arises from the
15 course and scope of the duties of the person as a candidate or public official.
16 Contributions described in this paragraph may be used to pay legal expenses
17 incurred by the candidate or public official in connection with a legal pro-
18 ceeding brought under ORS chapters 246 to 260, other than a proceeding
19 brought under this section or ORS 260.409; or

20 (D) Used to make payments in connection with a nondisclosure agreement
21 relating to workplace harassment. A nondisclosure agreement made in vio-
22 lation of this subparagraph is void and may not be enforced by a court of
23 this state.

24 (2)(a) Except as provided in paragraph (b) of this subsection, amounts
25 received as contributions by a political committee that is not a principal
26 campaign committee may be:

27 (A) Used to repay to the political committee any loan the proceeds of
28 which were used in connection with the campaign;

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

31 (C) Contributed to any organization described in section 170(c) of the

Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

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

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

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

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a treasurer or director of a political committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a treasurer or director. Contributions described in this subsection may be used to pay legal expenses incurred by a treasurer or director in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409; or

(D) Used to make payments in connection with a nondisclosure agreement relating to workplace harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not be enforced by a court of this state.

(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a chief petitioner or treasurer of a petition committee may be:

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

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

political party;

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

(D) Used for any other lawful purpose.

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

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

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

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409; or

(D) Used to make payments in connection with a nondisclosure agreement relating to workplace harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not be enforced by a court of this state.

(4) Notwithstanding subsections (1) and (2) of this section, a member of the Legislative Assembly may not solicit or use contributions to pay fines or legal expenses, replace salary, defray expenses or otherwise compensate a member for monetary losses incurred as a result

1 **of a member's unexcused absence from all or a part of a session of the**
2 **Legislative Assembly.**

3 [(4)] (5) As used in this section:

4 (a) "Contribution" and "expenditure" include a contribution or expendi-
5 ture to or on behalf of an initiative, referendum or recall petition.

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

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

13 (d) "Workplace harassment" means conduct that constitutes discrimi-
14 nation prohibited by ORS 659A.030, including conduct that constitutes sexual
15 assault as defined in ORS 181A.323.

16 **SECTION 2. This 2021 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2021 Act takes effect on its passage.**