

House Bill 3328

Sponsored by Representatives NERON, BOSCHART DAVIS; Representatives ALONSO LEON, BOLES, DOHERTY, FAHEY, HERNANDEZ, KENY-GUYER, MCLAIN, MEEK, NOSSE, POWER, PRUSAK, SALINAS, SCHOUTEN, SMITH WARNER, WILDE, WILLIAMS, Senators DEMBROW, FAGAN, GELSER, TAYLOR

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**.

Explicitly authorizes political contributions received by candidate, principal campaign committee of candidate or principal campaign committee of holder of public office to be used to defray caregiving expenses for relative of candidate or office holder if expenses would not exist without campaign activity or holding of public office.

A BILL FOR AN ACT

1
2 Relating to use of campaign funds; creating new provisions; and amending ORS 260.407.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 260.**

5 **SECTION 2. (1) Amounts received as contributions by a candidate, the principal campaign**
6 **committee of a candidate or the principal campaign committee of a holder of public office**
7 **may be used to defray any expenses incurred in connection with providing caregiving to a**
8 **relative of the candidate or holder of public office if the expenses would not exist without the**
9 **campaign activity or the holding of public office.**

10 **(2) As used in this section:**

11 **(a) "Babysitting" means care provided by a person who goes into the home of a child**
12 **during the temporary absence of the parent or legal guardian or custodian.**

13 **(b) "Caregiving" means the care or supervision of a relative of the candidate or holder**
14 **of public office and includes:**

15 **(A) Babysitting;**

16 **(B) Child care; and**

17 **(C) Care that is provided to an individual who is elderly or disabled, in a place of tempo-**
18 **rary or permanent residence, for the purpose of maintaining that individual at the residence.**

19 **(c) "Child care" has the meaning given that term in ORS 329A.250.**

20 **(d) "Relative" has the meaning given that term in ORS 244.020.**

21 **SECTION 3. ORS 260.407 is amended to read:**

22 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
23 tributions by a candidate, the principal campaign committee of a candidate or the principal cam-
24 paign committee of a holder of public office may be:

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

27 **(B) Used to defray any expenses described in section 2 of this 2019 Act;**

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

29 **[(C)] (D) Contributed to any organization described in section 170(c) of the Internal Revenue**

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

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

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

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

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

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

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

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

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

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

27 (D) Used for any other lawful purpose.

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

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

30 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
 31 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
 32 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
 33 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
 34 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

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

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

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

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

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

3 (D) Used for any other lawful purpose.

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

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

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

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

18 (4) As used in this section:

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

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

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

27 **SECTION 4. Section 2 of this 2019 Act and the amendments to ORS 260.407 by section 3**
28 **of this 2019 Act apply to any expenses incurred in connection with providing caregiving ser-**
29 **vices that occur on or after the effective date of this 2019 Act.**

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