

House Bill 4104

Sponsored by Representative POWER, Senator TAYLOR, Representatives NERON, HELT; Representatives ALONSO LEON, GORSEK, HELM, HERNANDEZ, LIVELY, MARSH, MEEK, NOSSE, PILUSO, REARDON, SANCHEZ, SCHOUTEN, SMITH DB, WILDE, WILLIAMS (Presession filed.)

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**.

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 both health insurance premiums for candidate or holder of public office and members of household of candidate or holder of public office and caregiving expenses for relative of candidate or holder of public office. Limits period when political contributions may be used for these purposes to when candidate or holder of public office is campaigning for 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 2020 Act is added to and made a part of ORS chapter 260.**

5 **SECTION 2. (1) Notwithstanding ORS 260.407, and except as provided in subsection (2)**
6 **of this section, amounts received as contributions by a candidate, the principal campaign**
7 **committee of a candidate or the principal campaign committee of a holder of public office**
8 **may be used to defray any expenses incurred in connection with:**

9 (a) **Providing caregiving to a relative of the candidate or holder of public office; or**

10 (b) **Health insurance premiums for the candidate or holder of public office and members**
11 **of the household of the candidate or holder of public office.**

12 (2) **Subsection (1) of this section applies only during each period that:**

13 (a) **Begins when a candidate or holder of public office files a declaration of candidacy,**
14 **nominating petition or certificate of nomination to public office; and**

15 (b) **Ends when the candidate or holder of public office either wins election to the public**
16 **office for which a filing was made under paragraph (a) of this subsection or ceases to be a**
17 **candidate for the public office for which a filing was made under paragraph (a) of this sub-**
18 **section.**

19 (3) **As used in this section:**

20 (a) **"Babysitting" means care provided by an individual who goes into the home of a child**
21 **during the temporary absence of the child's parent, legal guardian or custodian.**

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

24 (A) **Babysitting;**

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

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

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

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 (d) “Member of the household” and “relative” have the meanings given those terms in
 2 ORS 244.020.

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

4 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
 5 tributions by a candidate, the principal campaign committee of a candidate or the principal cam-
 6 paign committee of a holder of public office may be:

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

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

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

12 (D) Used for any other lawful purpose.

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

16 (A) **Except as provided in section 2 of this 2020 Act**, converted by any person to any personal
 17 use other than to defray any expenses incurred in connection with the person’s duties as a holder
 18 of public office or to repay to a candidate any loan the proceeds of which were used in connection
 19 with the candidate’s campaign;

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

25 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the
 26 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
 27 lates to or arises from the course and scope of the duties of the person as a candidate or public
 28 official. Contributions described in this paragraph may be used to pay legal expenses incurred by
 29 the candidate or public official in connection with a legal proceeding brought under ORS chapters
 30 246 to 260, other than a proceeding brought under this section or ORS 260.409; or

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

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

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

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

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

41 (D) Used for any other lawful purpose.

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

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

44 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
 45 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by

1 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
 2 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
 3 other than a civil penalty imposed for a violation of this section or ORS 260.409;

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

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

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

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

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

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

20 (D) Used for any other lawful purpose.

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

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

24 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
 25 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
 26 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
 27 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
 28 other than a civil penalty imposed for a violation of this section or ORS 260.409;

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

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

39 (4) As used in this section:

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

42 (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
 43 or deposits of money that are donated for the purpose of supporting the activities of a holder of
 44 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
 45 another similar public appropriating body or personal funds of the office holder donated to an ac-

1 count containing only those personal funds.

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

3 (d) "Workplace harassment" means conduct that constitutes discrimination prohibited by ORS
4 659A.030, including conduct that constitutes sexual assault as defined in ORS 181A.323.

5 **SECTION 4. Section 2 of this 2020 Act and the amendments to ORS 260.407 by section 3**
6 **of this 2020 Act apply to any expenses incurred in connection with providing caregiving ser-**
7 **vices or paying for health insurance premiums that occur on or after the effective date of**
8 **this 2020 Act.**

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