

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2176

By COMMITTEE ON RULES

July 2

1 On page 1 of the printed A-engrossed bill, line 5, delete “251.085,”.

2 In line 6, delete “and 260.241” and insert “, 260.241 and 260.407 and section 9, chapter 8, Oregon
3 Laws 2015 (Enrolled House Bill 2177)”.

4 On page 15, delete line 45.

5 On page 16, delete lines 1 through 5 and insert:

6 “**NOTE:** Section 27 was deleted by amendment. Subsequent sections were not renumbered.”.

7 On page 27, after line 9, insert:

8 “**SECTION 47.** ORS 260.407 is amended to read:

9 “260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as
10 contributions by a candidate, [*or*] the principal campaign committee of a candidate **or the principal**
11 **campaign committee of a holder of public office** [*for public office that are in excess of any amount*
12 *necessary to defray expenditures and any other funds donated to a holder of public office*] may be:

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

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

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

18 “(D) Used for any other lawful purpose.

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

23 “(A) Converted by any person to any personal use other than to defray any expenses incurred
24 in connection with the person’s duties as a holder of public office or to repay to a candidate any
25 loan 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
32 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
33 lates to or arises from the course and scope of the duties of the person as a candidate or public
34 official. Contributions described in this paragraph may be used to pay legal expenses incurred by
35 the candidate or public official in connection with a legal proceeding brought under this chapter,

1 other than a proceeding brought under this section or ORS 260.409.

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

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

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

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

10 “(D) Used for any other lawful purpose.

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

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

13 “(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
14 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
15 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
16 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
17 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

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

24 “(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
25 by a chief petitioner or treasurer of a petition committee [*that are in excess of any amount necessary*
26 *to defray expenditures*] may be:

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

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

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

32 “(D) Used for any other lawful purpose.

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

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

36 “(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
37 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
38 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
39 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
40 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

41 “(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief
42 petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding
43 or investigation that relates to or arises from the course and scope of the duties of the person as
44 a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal
45 expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought

1 under this chapter, other than a proceeding brought under this section or ORS 260.409.

2 “(4) As used in this section:

3 “(a) ‘Contribution’ and ‘expenditure’ include a contribution or expenditure to or on behalf of an
4 initiative, referendum or recall petition.

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

10 “(c) ‘Public office’ does not include national or political party office.

11 “**SECTION 48.** Section 9, chapter 8, Oregon Laws 2015 (Enrolled House Bill 2177), is amended
12 to read:

13 “**Sec. 9.** For the purpose of maintaining status as a minor political party under ORS 248.008
14 [(4)(b)] **(4)(a)** for the general election to be held on November 8, 2016, the total number of registered
15 electors in this state is deemed to be the total number of registered electors identified in the elector
16 registration records of the Secretary of State on July 1, 2015.”.

17 In line 10, delete “47” and insert “49”.

18 Delete lines 11 and 12 and insert:

19 “**SECTION 50. The amendments to statutes and session laws by sections 1 to 48 of this**
20 **2015 Act and the repeal of ORS 247.435 by section 49 of this 2015 Act become operative on**
21 **January 1, 2016.”.**

22 In line 13, delete “49” and insert “51”.

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