

DRAFT

SUMMARY

Prohibits printing or circulating of imitation voters' pamphlet and circulating of imitation census questionnaire and other imitation official public body documents unless clearly marked as not official. Applies to documents printed or circulated on or after effective date of Act.

Establishes civil penalty of up to \$10,000 for each violation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to government documents; creating new provisions; amending ORS 260.695; and prescribing an effective date.

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

SECTION 1. Sections 2 to 4 are added to and made a part of ORS chapter 186.

SECTION 2. (1) For purposes of this section, "imitation questionnaire" means an imitation of the United States census questionnaire, an imitation of a United States sample census questionnaire or an imitation of a portion of the United States census questionnaire or a United States sample census questionnaire.

(2) If a person distributes or circulates in print or electronic form an imitation questionnaire:

(a) The imitation questionnaire and the back of any return envelope enclosed with the imitation questionnaire shall state the following: "THIS IS NOT A REAL CENSUS QUESTIONNAIRE. DO NOT USE." The statement on the imitation questionnaire and on the back of a return envelope shall be in bold print that is at least 36-point type.

(b) The word “UNOFFICIAL” must be superimposed on each page of the imitation questionnaire so that the word extends diagonally across the imitation questionnaire from one margin of text to the other. The superimposed word may be printed in lighter ink than other text on the imitation questionnaire.

SECTION 3. (1) If a person distributes or circulates in print or electronic form a document designed to imitate an official document produced by a public body, as defined in ORS 192.311, for which an intended recipient, in light of the recipient’s state of mind, could reasonably believe the imitation document to be an official document produced by a public body:

(a) The imitation document shall state the following: “THIS IS NOT A DOCUMENT FROM A GOVERNMENTAL PUBLIC BODY.” The statement on the imitation document shall be in bold print that is at least 36-point type.

(b) The words “NOT A GOVERNMENT DOCUMENT” must be superimposed on each page of the imitation document so that the word extends diagonally across the imitation document from one margin of text to the other. The superimposed word may be printed in lighter ink than other text on the imitation document.

(2) For purposes of this section, “imitation document” includes an imitation of a portion of the official document produced by a public body.

(3) In addition to any other factors considered relevant, the following factors may be considered in determining whether a person designed a document to imitate an official document produced by a public body:

(a) Use of a seal similar to an official seal of a public body.

(b) Use of a logo similar to a logo used by a public body.

(c) Use of a layout, format, color scheme, font or font size similar to an official document produced by a public body.

1 (d) Use of language similar or identical to an official document
2 produced by a public body.

3 (e) Use of language or words suggestive that the imitation docu-
4 ment is endorsed or approved by or originating from a public body.

5 (f) Overall appearance that is similar to or mimics the overall ap-
6 pearance of an official document produced by a public body.

7 (g) Whether the imitation document is similar to or has charac-
8 teristics similar to an official document produced by a public body that
9 has jurisdictional or statutory authority over the general subject
10 matter of the imitation document's contents.

11 **SECTION 4.** (1) In addition to any other penalty provided by law,
12 the Attorney General may impose a civil penalty not to exceed \$10,000
13 for each violation against any person who violates section 2 or 3 of this
14 2020 Act.

15 (2) Civil penalties under this section shall be imposed as provided
16 in ORS 183.745.

17 (3) All sums collected as penalties under this section shall be first
18 applied toward reimbursement of costs incurred in determining the
19 violations, conducting hearings under this section and addressing and
20 collecting the penalties. The remainder, if any, of the sums collected
21 as penalties under this section shall be paid into the State Treasury
22 and credited to the General Fund and is available for general govern-
23 mental expenses.

24 **SECTION 5.** Sections 2 to 4 of this 2020 Act apply to imitation cen-
25 sus questionnaires and sample questionnaires and documents designed
26 to imitate an official document produced by a public body distributed
27 or circulated on or after the effective date of this 2020 Act.

28 **SECTION 6.** ORS 260.695 is amended to read:

29 260.695. (1)(a) If a person prints or circulates an imitation of the ballot
30 or sample ballot:

31 (A) The imitation ballot or sample ballot and the back of any return en-

velope enclosed with the ballot or sample ballot shall state the following:
 “THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE.” The statement
 on the imitation ballot or sample ballot shall be in bold print that is at least
 two times as large as the majority of the text on the ballot or sample ballot
 or 20-point type, whichever is larger. The statement on the back of a return
 envelope shall be in bold print that is at least 36-point type.

(B) The word “UNOFFICIAL” must be superimposed on the imitation
 ballot or sample ballot so that the word extends diagonally across the ballot
 from one margin of the text to the other. The superimposed word may be
 printed in lighter ink than other text on the ballot or sample ballot.

**(b) If a person prints or circulates an imitation of the voters’
 pamphlet:**

**(A) The imitation voters’ pamphlet shall state the following: “THIS
 IS NOT THE OFFICIAL VOTERS’ PAMPHLET.” The statement on the
 imitation voters’ pamphlet shall be in bold print that is at least
 36-point type.**

**(B) The word “UNOFFICIAL” must be superimposed on each page
 of the imitation voters’ pamphlet so that the word extends diagonally
 across the imitation voters’ pamphlet from one margin of text to the
 other. The superimposed word may be printed in lighter ink than other
 text on the imitation voters’ pamphlet.**

[(b)] **(c) For purposes of this subsection, an imitation of the ballot, [or]
 sample ballot or voters’ pamphlet includes an imitation of a portion of the
 ballot, [or] sample ballot or voters’ pamphlet.**

(2) A person may not do any electioneering, including circulating any
 cards or handbills, or soliciting of signatures to any petition, within any
 building in which any state or local government elections office designated
 for the deposit of ballots under ORS 254.470 is located, or within 100 feet
 measured radially from any entrance to the building. A person may not do
 any electioneering by public address system located more than 100 feet from
 an entrance to the building if the person is capable of being understood

1 within 100 feet of the building. The electioneering need not relate to the
2 election being conducted. This subsection applies during the business hours
3 of the building or, if the building is a county elections office, during the
4 hours the office is open to the public, during the period beginning on the
5 date that ballots are mailed to electors as provided in ORS 254.470 and end-
6 ing on election day at 8 p.m. or when all persons waiting in line at the
7 building who began the act of voting as described in ORS 254.470 (10) by 8
8 p.m. have finished voting.

9 (3) A person may not obstruct an entrance of a building in which ballots
10 are issued or a place designated for the deposit of ballots under ORS 254.470
11 or any voting booth maintained under ORS 254.474 is located. This sub-
12 section applies during the period beginning on the date that ballots are
13 mailed to electors as provided in ORS 254.470 and ending on election day at
14 8 p.m. or when all persons waiting in line at the building or location who
15 began the act of voting as described in ORS 254.470 (10) by 8 p.m. have
16 finished voting.

17 (4) A person may not vote or offer to vote in any election knowing the
18 person is not entitled to vote.

19 (5) A person may not make a false statement about the person's inability
20 to mark a ballot.

21 (6) A person, except an elections official in performance of duties or an-
22 other person providing assistance to an elector as described in ORS 254.445,
23 may not ask a person at any place designated for the deposit of ballots under
24 ORS 254.470 or at any location described in ORS 254.472 or 254.474 for whom
25 that person intends to vote, or examine or attempt to examine the person's
26 ballot.

27 (7) An elections official, other than in the performance of duties, may not
28 disclose to any person any information by which it can be ascertained for
29 whom any elector has voted.

30 (8) A person, except an elections official in performance of duties, may
31 not do anything to a ballot to permit identification of the person who voted.

(9) An elector may not willfully leave at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the elector's ballot was marked.

(10) A person, except an elections official in performance of duties, may not remove a ballot from any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS 254.472 or 254.474.

(11) A person, except an elections official in performance of duties or a person authorized by that official, may not willfully deface, remove, alter or destroy a posted election notice.

(12) A person, except an elections official in performance of duties, may not willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.

(13) A person, except an elections official in performance of duties, may not provide elections advice or attempt to collect voted ballots within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building.

(14) A person, except an elections official in performance of duties, may not establish a location to collect ballots voted by electors unless:

(a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BALLOT DROP SITE"; and

(b) The sign is printed in all capital letters in bold 50-point type.

SECTION 7. The amendments to ORS 260.695 by section 6 of this 2020 Act apply to imitation voters' pamphlets printed or circulated on or after the effective date of this 2020 Act.

SECTION 8. This 2020 Act takes effect on the 91st day after the date on which the 2020 regular session of the Eightieth Legislative Assembly adjourns sine die.