

Requested by Representative ZIKA

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2323**

1 On page 1 of the printed bill, line 3, delete “260.345” insert “250.048,  
2 260.345, 260.695, 260.993 and 260.995”.

3 On page 3, after line 28, insert:

4 **“SECTION 4.** ORS 260.695 is amended to read:

5 “260.695. (1)(a) If a person prints or circulates an imitation of the ballot  
6 or sample ballot:

7 “(A) The imitation ballot or sample ballot and the back of any return  
8 envelope enclosed with the ballot or sample ballot shall state the following:  
9 ‘THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE.’ The statement  
10 on the imitation ballot or sample ballot shall be in bold print that is at least  
11 two times as large as the majority of the text on the ballot or sample ballot  
12 or 20-point type, whichever is larger. The statement on the back of a return  
13 envelope shall be in bold print that is at least 36-point type.

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

18 “(b) For purposes of this subsection, an imitation of the ballot or sample  
19 ballot includes an imitation of a portion of the ballot or sample ballot.

20 **“(2)(a) As used in this subsection, ‘imitation voters’ pamphlet’**  
21 **means a document that imitates the physical characteristics or ap-**

1 **pearance of a voters' pamphlet or a portion of a voters' pamphlet**  
2 **published by the Secretary of State or county clerk, as defined in ORS**  
3 **251.005, under ORS chapter 251 and likely misleads or confuses a rea-**  
4 **sonable person as to whether the document is an official voters' pam-**  
5 **phlet or a portion of an official voters' pamphlet in the absence of the**  
6 **required statement.**

7 **“(b) If a person prints or circulates an imitation voters' pamphlet,**  
8 **including by electronic means:**

9 **“(A)(i) The imitation voters' pamphlet shall state the following:**  
10 **‘THIS IS NOT THE OFFICIAL VOTERS' PAMPHLET.’ Except as pro-**  
11 **vided in sub-subparagraph (ii) of this subparagraph, the statement on**  
12 **the imitation voters' pamphlet shall be in bold print that is at least**  
13 **36-point type.**

14 **“(ii) For an imitation voters' pamphlet that is circulated electron-**  
15 **ically, the statement described in sub-subparagraph (i) of this subpar-**  
16 **agraph shall be in bold print in a typeface of contrasting color and in**  
17 **a font size that is at least three times as large as the font size used**  
18 **for the majority of the text in the imitation voters' pamphlet.**

19 **“(B) The word ‘UNOFFICIAL’ must be superimposed on each page**  
20 **of the imitation voters' pamphlet so that the word extends diagonally**  
21 **across the imitation voters' pamphlet from one margin of text to the**  
22 **other. The superimposed word may be printed or displayed in lighter**  
23 **ink than other text on the imitation voters' pamphlet.**

24 **“[(2)] (3) A person may not do any electioneering, including circulating**  
25 **any cards or handbills, or soliciting of signatures to any petition, within any**  
26 **building in which any state or local government elections office designated**  
27 **for the deposit of ballots under ORS 254.470 is located, or within 100 feet**  
28 **measured radially from any entrance to the building. A person may not do**  
29 **any electioneering by public address system located more than 100 feet from**  
30 **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] (4) A person may not obstruct an entrance of a building in which  
10 ballots are issued or a place designated for the deposit of ballots under ORS  
11 254.470 or any voting booth maintained under ORS 254.474 is located. This  
12 subsection 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 fin-  
16 ished voting.

17 “[4] (5) A person may not vote or offer to vote in any election knowing  
18 the person is not entitled to vote.

19 “[5] (6) A person may not make a false statement about the person’s  
20 inability to mark a ballot.

21 “[6] (7) A person, except an elections official in performance of duties  
22 or another person providing assistance to an elector as described in ORS  
23 254.445, may not ask a person at any place designated for the deposit of  
24 ballots under ORS 254.470 or at any location described in ORS 254.472 or  
25 254.474 for whom that person intends to vote, or examine or attempt to ex-  
26 amine the person’s ballot.

27 “[7] (8) An elections official, other than in the performance of duties,  
28 may not disclose to any person any information by which it can be ascer-  
29 tained for whom any elector has voted.

30 “[8] (9) A person, except an elections official in performance of duties,

1 may not do anything to a ballot to permit identification of the person who  
2 voted.

3 “[9] (10) An elector may not willfully leave at any place designated for  
4 the deposit of ballots under ORS 254.470 or at any location described in ORS  
5 254.472 or 254.474 anything that will show how the elector’s ballot was  
6 marked.

7 “[10] (11) A person, except an elections official in performance of duties,  
8 may not remove a ballot from any place designated for the deposit of ballots  
9 under ORS 254.470 or any location described in ORS 254.472 or 254.474.

10 “[11] (12) A person, except an elections official in performance of duties  
11 or a person authorized by that official, may not willfully deface, remove, al-  
12 ter or destroy a posted election notice.

13 “[12] (13) A person, except an elections official in performance of duties,  
14 may not willfully remove, alter or destroy election equipment or supplies,  
15 or break the seal or open any sealed package containing election supplies.

16 “[13] (14) A person, except an elections official in performance of duties,  
17 may not provide elections advice or attempt to collect voted ballots within  
18 any building in which any state or local government elections office desig-  
19 nated for the deposit of ballots under ORS 254.470 is located, or within 100  
20 feet measured radially from any entrance to the building.

21 “[14] (15) A person, except an elections official in performance of duties,  
22 may not establish a location to collect ballots voted by electors unless:

23 “(a) The person prominently displays at the location a sign stating: ‘NOT  
24 AN OFFICIAL BALLOT DROP SITE’; and

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

26 **“SECTION 5.** ORS 250.048 is amended to read:

27 “250.048. (1) A person may not pay money or other valuable consideration  
28 to another person for obtaining signatures of electors on a state initiative,  
29 referendum or recall petition or a prospective petition for a state measure  
30 to be initiated, and a person may not receive money or other valuable con-

1 sideration for obtaining signatures of electors on a state initiative, referen-  
2 dum or recall petition or a prospective petition for a state measure to be  
3 initiated, unless the person obtaining the signatures:

4 “(a) Registers with the Secretary of State in the manner prescribed by  
5 this section and by rule of the secretary; and

6 “(b) Completes the training program prescribed by rule of the secretary.

7 “(2) A person may apply to the secretary for a registration required under  
8 subsection (1) of this section. The application shall include:

9 “(a) The full name and any assumed name of the applicant;

10 “(b) The residential street address of the applicant;

11 “(c) An example of the signature of the applicant;

12 “(d) A list of the prospective petitions on which the applicant will gather  
13 signatures;

14 “(e) A list of the initiative, referendum and recall petitions on which the  
15 applicant will gather signatures;

16 “(f) If the applicant has been convicted for a criminal offense involving  
17 fraud, forgery or identification theft, information relating to the circum-  
18 stances of the conviction as required by the secretary;

19 “(g) A statement signed by the applicant acknowledging that the appli-  
20 cant has read and understands Oregon law applicable to the gathering of  
21 signatures on state initiative, referendum and recall petitions and prospec-  
22 tive petitions for state measures to be initiated, as the law is summarized in  
23 the training program established by the Secretary of State;

24 “(h) Evidence indicating that the applicant has completed the training  
25 required by the secretary by rule;

26 “(i) A photograph of the applicant;

27 “(j) A statement signed by a chief petitioner of each petition or prospec-  
28 tive petition, or a person designated by a chief petitioner under this para-  
29 graph, upon which the applicant will gather signatures acknowledging that  
30 the chief petitioner is liable for violations of law or rule committed by the

1 person obtaining signatures as provided in ORS 260.561. A chief petitioner  
2 may designate a person to sign a statement described in this paragraph on  
3 behalf of the chief petitioner; and

4 “(k) A copy of the applicant’s criminal records check.

5 “(3)(a) If an applicant complies with subsection (2) of this section, not  
6 later than five business days after the applicant applies, the secretary shall  
7 register the applicant and assign the applicant a registration number.

8 “(b) A person who is registered to obtain signatures on a prospective pe-  
9 tition for a state measure to be initiated need not reapply for a registration  
10 under this section in order to obtain signatures on a state initiative, refer-  
11 endum or recall petition, except that the person shall submit a list of the  
12 initiative, referendum and recall petitions on which the person will gather  
13 signatures.

14 “(c) A registration to obtain signatures on a state initiative petition or  
15 a prospective petition for a state measure to be initiated is valid until the  
16 date that is four months before the next general election.

17 “(d) A registration to obtain signatures on a referendum or recall petition  
18 is valid until the date the petition is filed for signature verification.

19 “(4) A person may not apply for registration under this section if, during  
20 the five-year period prior to the date of application, the person:

21 “(a) Has been convicted for a criminal offense involving fraud, forgery  
22 or identification theft in any state;

23 “(b) Has had a civil penalty imposed under ORS 260.995 for a violation  
24 of this section, ORS 260.262, 260.555, 260.558, 260.575, 260.695 (1) **or** (2) or  
25 260.715 (1) or Article IV, section 1b, of the Oregon Constitution; or

26 “(c) Has had a civil or criminal penalty imposed for violation of a statute  
27 subject to a criminal penalty under ORS 260.993.

28 “(5)(a) Upon request of the secretary, the Department of State Police shall  
29 furnish to the secretary any information that the department may have in  
30 its possession regarding an applicant, including but not limited to the Law

1 Enforcement Data System established in ORS 181A.280, other computerized  
2 information and any other information to which the department may have  
3 access. Information obtained under this paragraph may be used to assist in  
4 determining the identity of an applicant or whether an applicant has been  
5 convicted of a criminal offense described in subsection (4) of this section.

6 “(b) For purposes of receiving the information described in paragraph (a)  
7 of this subsection, the office of the Secretary of State is a ‘criminal justice  
8 agency’ under ORS 181A.010 to 181A.350 and the rules adopted under ORS  
9 181A.230.

10 “(c) Upon submitting an application for registration described in sub-  
11 section (2) of this section, an applicant is deemed to have given the consent  
12 necessary for purposes of this subsection.

13 “(6)(a) A chief petitioner shall ensure that a criminal records check is  
14 conducted for each applicant seeking registration under this section to de-  
15 termine whether the applicant has been convicted of any of the crimes de-  
16 scribed in subsection (4)(a) of this section, or was subject to any of the  
17 penalties described in subsection (4)(b) and (c) of this section.

18 “(b) The secretary by rule shall prescribe the scope of the criminal re-  
19 cords check to be performed pursuant to this subsection. The applicant’s  
20 criminal records check may be conducted by either the chief petitioner or the  
21 applicant.

22 “(c) An applicant seeking registration under this section is required to  
23 have only one criminal records check conducted for each period beginning  
24 the day the applicant registers with the Secretary of State under this section  
25 and ending four months before the next general election.

26 “(7) If a person receives money or other valuable consideration for ob-  
27 taining signatures of electors on a state initiative, referendum or recall pe-  
28 tition or a prospective petition for a state measure to be initiated and the  
29 person was not registered as required under this section at the time the  
30 signatures were obtained, the secretary may not include any signatures ob-

1 tained by the person in a count under ORS 250.045 (3) or 250.105 or ORS  
2 chapter 249 for purposes of determining whether the petition or prospective  
3 petition contains the required number of signatures of electors.

4 “(8) A person registered under this section shall carry evidence of regis-  
5 tration with the person while the person is obtaining signatures on a state  
6 initiative, referendum or recall petition or a prospective petition for a state  
7 measure to be initiated. The evidence of registration shall contain the pho-  
8 tograph and registration number of the person. The secretary by rule shall  
9 designate the form of the evidence of registration.

10 “(9) A photograph of an applicant submitted under subsection (2) of this  
11 section shall:

12 “(a) Be a conventional photograph with a plain background;

13 “(b) Show the face or the face, neck and shoulders of the applicant; and

14 “(c) Be prepared and processed for printing as prescribed by the secretary.

15 “(10) A person registered under this section may not obtain signatures on  
16 a petition or prospective petition for which the person is being paid and, at  
17 the same time, obtain signatures on a petition or prospective petition for  
18 which the person is not being paid. The secretary may not include any sig-  
19 natures obtained in violation of this subsection in a count under ORS 250.045  
20 (3) or 250.105 or ORS chapter 249 for purposes of determining whether a state  
21 initiative, referendum or recall petition or a prospective petition for a state  
22 measure to be initiated contains the required number of signatures of elec-  
23 tors.

24 “(11) An organization or entity that pays money or other valuable con-  
25 sideration to a person for obtaining signatures of electors on a state initi-  
26 ative, referendum or recall petition or a prospective petition for a state  
27 measure to be initiated shall register with the Secretary of State by:

28 “(a) Submitting the name and address of the organization or entity;

29 “(b) Selecting one or more individuals who represent the organization or  
30 entity to complete the training program prescribed in subsection (1) of this



1 section; and

2 “(c) Submitting a statement signed by each individual selected:

3 “(A) Acknowledging that the individual has read and understands Oregon  
4 law applicable to the gathering of signatures on state initiative, referendum  
5 and recall petitions and prospective petitions for state measures to be initi-  
6 ated, as the law is summarized in the training program established by the  
7 secretary; and

8 “(B) Affirming that the organization or entity operates in compliance  
9 with the law.

10 “(12) The secretary shall adopt rules necessary to implement this section,  
11 including rules:

12 “(a) Establishing procedures for registering persons or organizations or  
13 entities as described in this section; and

14 “(b) Establishing a training program prescribed in subsection (1) of this  
15 section.

16 **“SECTION 6.** ORS 260.993 is amended to read:

17 “260.993. (1) The penalty for violation of ORS 260.532 is limited to that  
18 provided in ORS 260.532 (6) and (8).

19 “(2) Violation of ORS 247.125 (1), 247.171 (5), 247.420 (2), 253.710, 260.402,  
20 260.555, 260.558, 260.575, 260.645 or 260.665 (2) or (3) involving any action  
21 described in ORS 260.665 (2)(d) to (f) or 260.715 is a Class C felony.

22 “(3) Violation of ORS 260.695 [(4)] (5) is a Class A misdemeanor.

23 “(4) Violation of ORS 247.171 (6) is a Class C misdemeanor.

24 **“SECTION 7.** ORS 260.995, as amended by section 3, chapter 636, Oregon  
25 Laws 2019, is amended to read:

26 “260.995. (1) Except as provided in subsection (2) of this section, following  
27 an investigation under ORS 260.345, the Secretary of State or Attorney  
28 General may impose a civil penalty not to exceed \$1,000 for each violation  
29 of any provision of Oregon Revised Statutes relating to the conduct of any  
30 election, any rule adopted by the secretary under ORS chapters 246 to 260

1 or any other matter preliminary to or relating to an election, for which a  
2 civil penalty is not otherwise provided.

3 “(2) The secretary or the Attorney General may impose a civil penalty  
4 not to exceed:

5 “(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000  
6 plus the amount converted to personal use for each violation of ORS 260.407;

7 “(B) Two times the amount of the penalty provision for violating a  
8 nondisclosure agreement that is contained within each nondisclosure agree-  
9 ment entered into in violation of ORS 260.407 or 260.413;

10 “(b) 150 percent of the total cost of printing, transmitting or distributing  
11 a communication in support of or in opposition to a clearly identified can-  
12 didate if the disclosure requirements set forth in ORS 260.266 are not met;  
13 or

14 “(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1)  
15 **or (2)** or 260.715 (1) or section 1b, Article IV of the Oregon Constitution.

16 “(3) Except as otherwise provided by this section, civil penalties under  
17 this section shall be imposed as provided in ORS 183.745. In addition to the  
18 requirements of ORS 183.745, the notice shall include:

19 “(a) A statement of the authority and jurisdiction under which the hear-  
20 ing is to be held; and

21 “(b) If the person is an agency, corporation or an unincorporated associ-  
22 ation, a statement that such person must be represented by an attorney li-  
23 censed in Oregon, unless the person is a political committee which may be  
24 represented by any officer identified in the most recent statement of organ-  
25 ization filed with the filing officer.

26 “(4) A hearing on whether to impose a civil penalty and to consider cir-  
27 cumstances in mitigation shall be held by the secretary or Attorney General:

28 “(a) Upon request of the person against whom the penalty may be as-  
29 sessed, if the request is made not later than the 20th day after the date the  
30 person received notice sent under subsection (3) of this section; or

1       “(b) Upon the secretary’s or Attorney General’s own motion.

2       “(5) The person against whom a penalty may be assessed need not appear  
3 in person at a hearing held under this section, but instead may submit  
4 written testimony or other evidence, sworn to before a notary public, to the  
5 secretary or Attorney General for entry in the hearing record. The testimony  
6 or other evidence must be received by the secretary or Attorney General not  
7 later than three business days before the day of the hearing.

8       “(6) All hearings under this section shall be held not later than 45 days  
9 after the deadline for the person against whom the penalty may be assessed  
10 to request a hearing. However, if requested by the person against whom the  
11 penalty may be assessed, a hearing under subsection (4) of this section shall  
12 be held not later than 60 days after the deadline for the person against whom  
13 the penalty may be assessed to request a hearing.

14       “(7) The secretary or Attorney General shall issue an order not later than  
15 90 days after a hearing or after the deadline for requesting a hearing if no  
16 hearing is held.

17       “(8) All penalties recovered under this section shall be paid into the State  
18 Treasury and credited to the General Fund.

19       “(9) In the case of a civil penalty imposed under this section for a vio-  
20 lation of ORS 260.407, the person against whom the penalty is assessed:

21       “(a) Is personally responsible for the payment of the civil penalty;

22       “(b) Shall pay the civil penalty from personal funds of the person; and

23       “(c) May not pay the civil penalty from contributions received by a can-  
24 didate, a candidate’s principal campaign committee, a political committee or  
25 a petition committee.”.

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