

# House Bill 4021

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Paul Holvey)

## 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**.

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

1  
2 Relating to government documents; creating new provisions; amending ORS 260.695; and prescribing  
3 an effective date.

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

5 **SECTION 1. Sections 2 to 4 of this 2020 Act are added to and made a part of ORS chapter**  
6 **186.**

7 **SECTION 2. (1) For purposes of this section, "imitation questionnaire" means an imi-**  
8 **tation of the United States census questionnaire, an imitation of a United States sample**  
9 **census questionnaire or an imitation of a portion of the United States census questionnaire**  
10 **or a United States sample census questionnaire.**

11 **(2) If a person distributes or circulates in print or electronic form an imitation ques-**  
12 **tionnaire:**

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

17 **(b) The word "UNOFFICIAL" must be superimposed on each page of the imitation ques-**  
18 **tionnaire so that the word extends diagonally across the imitation questionnaire from one**  
19 **margin of text to the other. The superimposed word may be printed in lighter ink than other**  
20 **text on the imitation questionnaire.**

21 **SECTION 3. (1) If a person distributes or circulates in print or electronic form a docu-**  
22 **ment designed to imitate an official document produced by a public body, as defined in ORS**  
23 **192.311, for which an intended recipient, in light of the recipient's state of mind, could rea-**  
24 **sonably believe the imitation document to be an official document produced by a public body:**

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

28 **(b) The words "NOT A GOVERNMENT DOCUMENT" must be superimposed on each page**  
29 **of the imitation document so that the word extends diagonally across the imitation document**

**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 from one margin of text to the other. The superimposed word may be printed in lighter ink  
 2 than other text on the imitation document.

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

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

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

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

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

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

13 (e) Use of language or words suggestive that the imitation document is endorsed or ap-  
 14 proved by or originating from a public body.

15 (f) Overall appearance that is similar to or mimics the overall appearance of an official  
 16 document produced by a public body.

17 (g) Whether the imitation document is similar to or has characteristics similar to an  
 18 official document produced by a public body that has jurisdictional or statutory authority  
 19 over the general subject matter of the imitation document’s contents.

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

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

24 (3) All sums collected as penalties under this section shall be first applied toward re-  
 25 imbursement of costs incurred in determining the violations, conducting hearings under this  
 26 section and addressing and collecting the penalties. The remainder, if any, of the sums col-  
 27 lected as penalties under this section shall be paid into the State Treasury and credited to  
 28 the General Fund and is available for general governmental expenses.

29 **SECTION 5.** Sections 2 to 4 of this 2020 Act apply to imitation census questionnaires and  
 30 sample questionnaires and documents designed to imitate an official document produced by  
 31 a public body distributed or circulated on or after the effective date of this 2020 Act.

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

33 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

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

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

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

44 **(A) The imitation voters’ pamphlet shall state the following: “THIS IS NOT THE OFFI-  
 45 CIAL VOTERS’ PAMPHLET.” The statement on the imitation voters’ pamphlet shall be in**

1 **bold print that is at least 36-point type.**

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

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

8 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-  
 9 liciting of signatures to any petition, within any building in which any state or local government  
 10 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet  
 11 measured radially from any entrance to the building. A person may not do any electioneering by  
 12 public address system located more than 100 feet from an entrance to the building if the person is  
 13 capable of being understood within 100 feet of the building. The electioneering need not relate to  
 14 the election being conducted. This subsection applies during the business hours of the building or,  
 15 if the building is a county elections office, during the hours the office is open to the public, during  
 16 the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and  
 17 ending on election day at 8 p.m. or when all persons waiting in line at the building who began the  
 18 act of voting as described in ORS 254.470 (10) by 8 p.m. have finished voting.

19 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place  
 20 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS  
 21 254.474 is located. This subsection applies during the period beginning on the date that ballots are  
 22 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all  
 23 persons waiting in line at the building or location who began the act of voting as described in ORS  
 24 254.470 (10) by 8 p.m. have finished voting.

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

27 (5) A person may not make a false statement about the person’s inability to mark a ballot.

28 (6) A person, except an elections official in performance of duties or another person providing  
 29 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated  
 30 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474  
 31 for whom that person intends to vote, or examine or attempt to examine the person’s ballot.

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

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

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

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

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

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

1 taining election supplies.

2 (13) A person, except an elections official in performance of duties, may not provide elections  
3 advice or attempt to collect voted ballots within any building in which any state or local govern-  
4 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within  
5 100 feet measured radially from any entrance to the building.

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

8 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-  
9 LOT DROP SITE"; and

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

11 **SECTION 7. The amendments to ORS 260.695 by section 6 of this 2020 Act apply to imi-  
12 tation voters' pamphlets printed or circulated on or after the effective date of this 2020 Act.**

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

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