

HB 2349 STAFF MEASURE SUMMARY

Carrier: Rep. Williamson

House Committee On Rules

Action Date: 05/23/17

Action: Do Pass.

Vote: 9-0-0-0

Yeas: 9 - Barreto, Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits circulating or printing imitation voters' pamphlet unless clearly marked "unofficial." Establishes fine of up to \$10,000 for violation.

ISSUES DISCUSSED:

- Potential for imitation voters' pamphlet to confuse voters
- Deceptive materials, deliberately designed to mimic official voters' pamphlet in order to mislead voters
- Lack of enforcement mechanisms
- Definition of "imitation voters' pamphlet"
- Examples of state legislative races where imitation voters' pamphlets were produced and distributed to mislead voters

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current Oregon law requires specific cautionary language on sample or imitation ballots and on the back of any return envelopes: "THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE." The statement on the ballot must be in bold and at least two times larger than the majority of the text on the ballot or a 20-point font, whichever is larger. The statement on the back of the envelope must also be bold and at least a 36-point font. In addition, the word "UNOFFICIAL" must be superimposed like a watermark, diagonally across the imitation or sample ballot in a lighter ink than other text. The Secretary of State or the Attorney General may impose a civil penalty not to exceed \$10,000 for each violation of these requirements.

House Bill 2349 establishes similar requirements for sample or imitation voters' pamphlets. The sample or imitation voters' pamphlet must display the statement "THIS IS NOT THE OFFICIAL VOTERS' PAMPHLET" in at least a 36-point font and the word "UNOFFICIAL" must be superimposed diagonally across each page in a lighter ink than other text. As with imitation ballots, the Secretary of State or the Attorney General may also impose a civil penalty not to exceed \$10,000 for each violation of requirements applicable to imitation voters' pamphlets.