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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**ELECT 26-2022**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

08/31/2022 11:49 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Enacts HB3021 establishing a Translation Advisory Council.

EFFECTIVE DATE: 09/01/2022 THROUGH 02/27/2023

AGENCY APPROVED DATE: 08/25/2022

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Filed By:  
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NEED FOR THE RULE(S):

In enacting HB3021 (2021) the Legislative Assembly directed the Secretary of State to adopt rules to convene and consult with a Translation Advisory council to validate translations of voters' pamphlets in multiple languages prior to the 2022 General Election. This temporary rule is needed to ensure the timely recruitment, orientation, and organization of a twenty-plus member Council and to meet voters' pamphlet statutory deadlines.

JUSTIFICATION OF TEMPORARY FILING:

The Secretary of State finds that the failure to act promptly will result in serious prejudice to the public interest of the more than 200,000 Oregon individuals who have limited English proficiency (LEP) and speak one of the most common languages in Oregon other than English. Absent this temporary rule, the state's LEP individuals would not be able to receive voter information in a culturally appropriate way and fully exercise their voting rights in time for the 2022 General Election.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB3021 (2021) available online at [oregonlegislature.gov](http://oregonlegislature.gov) or from the Secretary of State Elections Division.

ADOPT: 165-024-0010

RULE TITLE: Translation Advisory Council

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS Chapter 251 requiring the Secretary of State to adopt rules necessary for implementing the translation of voters' pamphlets, including using the best available and appropriate data to determine and publish the lists of most commonly spoken languages in Oregon, coordinating with county and state election officials to produce professionally translated pamphlets in multiple languages, accepting and reviewing candidate's and filers' translated candidate statements and measure arguments, establishing and consulting with a Translation Advisory Council, and translating and posting pamphlets for all elections beginning with the 2022 General Election. This rule explains the definitions the Secretary of State will use to fulfill the law and related rules, OAR 165-024-0005 to OAR 165-024-0030.

RULE TEXT:

(1) The Secretary of State shall select and appoint the members of the Council, shall provide administrative support to the Council, and shall consult with the Council concerning Community Validation of Selected Voters' Pamphlet Material and the process of translating such materials. The Secretary may consult with the Council on other matters as needed to support the Secretary's translation work.

(2) Council members are appointed by and serve at the pleasure of the Secretary.

(3) Council members serve on a volunteer basis and are not employees or contractors of the Secretary of State.

(4) The Council shall be comprised as follows:

(a) The Secretary shall appoint five Council members at large; and

(b) The Secretary shall appoint additional language-specific Council members based on their lived experience in English and a language into which the Secretary reasonably anticipates voters' pamphlet material will be translated. The Secretary will choose the numbers of language-specific members based on the relative representation of those languages within Oregon.

(5) The qualifications of Council members shall be as follows:

(a) Council members are not appointed on a partisan basis, and they do not serve as representatives of any organization.

(b) To the extent possible, membership in the Council shall include the racial, ethnic, linguistic, cultural, social, and geographic diversity found throughout Oregon.

(c) All Council members shall be residents of Oregon according to the criteria listed in ORS 247.035.

(d) All Council members shall have lived experience in one or more of the communities served by translation of voters' pamphlet material.

(e) In addition to meeting all other criteria, language-specific members shall be proficient in reading and writing in English and in the translated language for which the language-specific member is appointed. Language-specific members may demonstrate proficiency through their lived experience or through formal qualifications, including but not limited to the credentials described in ORS 251.173.

(6) Council members shall be appointed as follows:

(a) When appointing or reappointing Council members or when filling mid-term vacancies during a Council member's term, the Secretary shall announce the need to fill the vacancy and solicit applications by a published deadline. The Secretary shall maintain all applications on file and select appointees from the pool of all past and current applicants.

(b) Council members shall apply to the Council through a written application that demonstrates how they meet the criteria for appointment.

(c) Members shall not be reappointed automatically but must seek reappointment through the application process.

(d) If a member vacancy occurs mid-term, the Secretary shall make an appointment for the unexpired term, to be effective immediately upon appointment.

(7) Members shall be compensated for time spent preparing for and attending Council meetings and shall be reimbursed for travel expenses. Compensation and reimbursement shall be no less than the statutory per diem compensation amount in ORS 292.495 and provided consistently with the policies of the Secretary of State.

STATUTORY/OTHER AUTHORITY: HB3021, ORS 247.005, ORS 246.150, ORS 251.026, ORS 251.167, ORS 251.170, ORS 251.173, ORS 251.315

STATUTES/OTHER IMPLEMENTED: HB3021, ORS 251.026, ORS 251.167, ORS 251.170, ORS 251.173, ORS 251.315