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

**ELECT 27-2022**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

08/31/2022 1:55 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Enacts HB3021 by defining data and language lists for translations of voters' pamphlets.

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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Rules Coordinator

NEED FOR THE RULE(S):

In enacting HB3021 (2021) the Legislative Assembly directed the Secretary of State to use the best available population data, establish lists of state and county languages to translate pamphlets, and make those lists available online. This temporary rule is needed to ensure the prompt establishment of language lists and related translation activities to meet voters' pamphlet statutory deadlines for the 2022 General Election.

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 to 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: 165-024-0015

RULE TITLE: Language Lists for Translation of Selected State and County Voters' Pamphlet Materials

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS 251 requiring the Secretary of State to translate state and county voters' pamphlets into the most commonly spoken state and county languages, beginning with the 2022 General Election. This rule implements the requirements necessary to determine the lists of state and counties' most commonly spoken languages and make the lists of languages publicly available.

RULE TEXT:

- (1) This rule defines the process by which the Secretary of State creates lists of languages to be used to translate Selected State and County Voters' Pamphlet Materials.
- (2) The Secretary of State shall use data about state and county populations to determine the Top Five languages in the

state and in each county in Oregon.

(a) The data sources may include the most recent American Community Survey (ACS) from the United States Census Bureau, estimates from the Population Resource Center at Portland State University, and other data sources that the Secretary of State determines are available and appropriate.

(b) The data sets obtained from the American Community Survey shall include estimated numbers of people with Limited English Proficiency who self-evaluate their ability to speak English as "less than very well."

(3) Based on this data, the Secretary of State shall compile the following language lists and make them available on the Secretary of State's website:

(a) a list of the state's Top Five languages and estimated numbers of speakers;

(b) lists of each county's Top Five languages and estimated number of speakers in each county;

(c) the State List of Languages; and

(d) the County Lists of Languages.

(4) The Secretary of State shall update the language lists at least once every five years.

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: ORS 251.167