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

**ELECT 29-2022**

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**

08/31/2022 2:29 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Enacts HB3021 requiring translation of portions of county 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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NEED FOR THE RULE(S):

This temporary rule is needed to ensure the timely implementation of HB3021 requiring the professional translation of portions of county voters' pamphlets into multiple languages and the timely notification of the public of their availability in time for the 2022 General Election. This rule explains the portions of the county voters' pamphlet for translation and related responsibilities of county election officials.

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: 165-024-0025

RULE TITLE: Translation of Selected 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 explains the portions of the county voters' pamphlet for translation and related responsibilities of the county election officials.

RULE TEXT:

- (1) This rule governs the required translation of Selected County Voters' Pamphlet Materials by the Secretary of State for all primary, general, and special elections.
- (2) The Secretary of State shall translate Selected County Voters' Pamphlet Materials from English into the County List

of Languages and shall post the translations publicly on the Secretary of State's website.

(3) The Secretary of State shall bear the cost of translating and posting the portions of the county voters' pamphlets described in this rule.

(4) The Secretary of State shall provide county elections officials with a plain language statement concerning translation of county voters pamphlet materials, for inclusion in each County Voters Pamphlet.

(a) The statement shall be provided in English and in each of the County List of Languages.

(b) The statement shall notify the public that portions of the County Voters Pamphlet have been translated and shall identify where to find the translation.

(5) County elections officials shall do the following:

(a) Include the plain language statement concerning voters' pamphlet translations in the County Voters' Pamphlet;

(A) The plain language statement shall appear in the County Voters' Pamphlet on the page immediately following the county election official's letter to voters or other similar introductory statement;

(B) If a county voters' pamphlet does not include a county elections official's letter or other similar introductory statement, this information shall be prominently placed as close as possible to the cover page of the pamphlet.

(b) Include the plain language statement prominently on the county elections website, together with live hyperlinks directing the public to translated voters' pamphlet material.

(c) Provide county voters pamphlet material to the Secretary of State for translation on the timeline specified in this rule.

(6) The Secretary of State shall cause the following Selected County Voters Pamphlet Material to be translated:

(a) County pamphlet general information including:

(A) County elections official's letter to voters or other official communication by a county clerk, filing officer or other public elections officials;

(B) Elections office services;

(C) Key dates of the election;

(D) Requirements for a citizen to qualify as an elector;

(E) Requirements for voter registration and how to update registration;

(F) How to cast a ballot;

(G) The right of an elector to request a second ballot if the first is spoiled;

(H) The right of an elector to seek assistance in marking the ballot;

(I) The hours and locations of places to deposit official ballots; and

(J) Any maps deemed necessary by the county;

(b) Ballot measure information including:

(A) Ballot title;

(B) Explanatory statement; and

(C) Statements created by state, local and special government bodies.

(7) The Secretary of State adopts the following timelines and coordinates with county elections officials as needed to ensure timely and high-quality translations in county voters' pamphlets:

(a) The county elections official shall provide the Secretary of State with county pamphlet general information for translation no later than the 82nd day before the date of the election.

(b) The county elections official shall provide minor changes to county pamphlet general information for translation no later than the 55th day before the date of the election. The final edits must clearly indicate which text was revised from the previously submitted version.

(c) The county elections official shall provide the Secretary of State with county ballot measure information for translation no later than the 55th day before the date of the election.

(d) The Secretary of State shall provide the county elections official the plain language statement for inclusion in the county voters pamphlet, together with any other official information to assist voters concerning translated material, no later than the 54th day before the election.

(e) The Secretary of State shall post translated county voters' pamphlet materials on the Secretary of State's website no later than the 27th day before the election.

(8) A county may translate any portion of the county voters' pamphlet or accept translations for publication that are not described in this rule for publication on the County's website or in the mailed voters' pamphlet.

(a) The county shall bear the cost of making such additional translations and publishing them on the County's website or in the mailed voters' pamphlet.

(b) Any translation conducted by the county shall be according to the criteria in OAR 165-024-0020.

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 251.170, ORS 251.315