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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

09/15/2022 3:20 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Enacts HB3021 establishing a Translation Advisory Council.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/09/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Bob Roberts
503-986-1518
elections.sos@sos.oregon.gov

Public Service Building
255 Capitol St NE Suite 126
Salem, OR 97310

Filed By:
Bob Roberts
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/08/2022

TIME: 2:00 PM - 2:30 PM

OFFICER: Bob Roberts

ADDRESS: Public Service Building
255 Capitol Street NE, Suite 126
Salem, OR 97310

SPECIAL INSTRUCTIONS:

The hearing will be held virtually via Microsoft Teams. A link to the hearing will be posted on the agency's website.

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 rule is needed to ensure the timely recruitment, orientation, and organization of a twenty-plus member Council.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB3021 (2021) available online at oregonlegislature.gov or from the Secretary of State Elections Division.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule promotes racial equity. HB3021 requires the Secretary of State to create and consult with a Translation Advisory Council to validate translated voters' pamphlet materials for the intended audiences in a culturally responsive way. The establishment of the Council will promote racial equity by providing the more than 200,000 persons in Oregon who have a limited ability to read, speak, write, or understand English to receive unbiased voter information in a culturally appropriate way and to fully exercise their voting rights.

FISCAL AND ECONOMIC IMPACT:

These proposed rules may cause minimal fiscal or economic impact to state agencies, or the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There may be a minimal fiscal impact for the state Elections Division to answer questions regarding compliance with this rule, or for other unanticipated reasons. The cost of the Secretary of State to comply with this rule including the cost of professional services is estimated at \$683,603 during the first biennium. After the first biennium's implementation the cost will be reduced.

Although there is a stipend for members of the public who serve as Council members, there may be a minimal fiscal impact for members to prepare for and attend council meetings to comply with this rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

They were not, as this rule does not directly affect small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The fiscal impact of the proposed amendments is expected to be minimal at most.

ADOPT: 165-024-0010

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS Chapter 251 requiring the Secretary of State to adopt rules necessary to convene and consult with a Translation Advisory Council for the translation of county and state voters' pamphlets materials for primary, general, and local elections, beginning with the 2022 General Election. This rule implements the process and requirements necessary to convene and consult with a Translation Advisory Council.

CHANGES TO RULE:

165-024-0010

Translation Advisory Council

(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