

OFFICE OF THE SECRETARY OF STATE

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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 3:31 PM
ARCHIVES DIVISION
SECRETARY OF STATE

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

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 available on the Agency's website.

NEED FOR THE RULE(S)

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

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 and related translation laws require the Secretary of State to ensure that each state and counties' voters' pamphlet be translated from English into the most commonly spoken languages of the state and of the county, as determined by the best available data. The creation of a list of languages ensures the Secretary of State 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 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.

(2)(a)-(c) It is not expected that these rules will impact small businesses.

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: 165-024-0015

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 common state and county languages determined by census data. 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.

CHANGES TO RULE:

165-024-0015

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

(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