

OFFICE OF THE SECRETARY OF STATE

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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 3:41 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Implements HB3021 requiring the professional translation 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)

This rule is needed to ensure the Secretary of State selects translators who possess a level of qualification and relevant experience appropriate to translating state and county voters' pamphlet materials into multiple languages.

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.

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

This rule promotes racial equity. ORS 251.170 requires the Secretary of State to ensure that each state and counties' voters' pamphlet mailed to residents of the state be translated from English into the most commonly spoken languages of the state and of each county. Professional translations of voters' pamphlets promote racial equity by providing the more than 200,000 Oregon individuals who have limited English proficiency (LEP) with 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.

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**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.

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**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.

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**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.

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ADOPT: 165-024-0020

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS Chapter 251 requiring the Secretary of State to adopt rules necessary for implementing the professional translation of county and state voters' pamphlet materials for all primary, general, and special elections beginning with the 2022 General Election. This rule implements a clear process the Secretary of State will use to perform high quality translations.

**CHANGES TO RULE:**

165-024-0020

Professional Translations of Selected State and County Voters Pamphlet Materials

(1) Required translations of Selected State and County Voters' Pamphlet Materials shall be performed according to the highest degree of professional accuracy.¶

(2) Professional translators selected to translate Selected State and County Voters' Pamphlet Materials should possess a level of translation qualification, language competency, cultural competency, standard of general education, and relevant experience appropriate to translating voters' pamphlet material in the particular language.¶

(3) The Secretary shall consider the following criteria when selecting translators:¶

(a) For languages for which American Translator Association-certified translation tests are available, the Secretary shall seek certified translators.¶

(b) For languages that the American Translator Association does not certify, the Secretary shall seek translators who meet the following criteria, in descending order of importance:¶

(A) verifiable translation competency. ¶

(B) interpreting competency.¶

(C) language proficiency via a recognized testing entity of language skills. ¶

(D) paid translation experience. ¶

(E) active membership in a professional language organization. ¶

(F) academic higher education degree from an institution of higher education. ¶

(G) diploma of completion in secondary education. ¶

(H) diploma of completion in primary education.

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