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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 3:51 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Enacts HB3021 requiring translation of portions of county 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 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 for each general, primary, and special election. This rule explains the portions of the county voters' pamphlet for translation and related responsibilities of county election officials.

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 require the Secretary of State to translate counties' voters' pamphlets from English into the most commonly spoken languages of the county. Professional translations of voters' pamphlets will provide 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.

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: 165-024-0025

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS 251 requiring the Secretary of State to translate 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.

CHANGES TO RULE:

165-024-0025

Translation of Selected County Voters Pamphlet Materials

(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