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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 3:59 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Enacts HB3021 requiring professional translation of portions of state 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 implementation of HB3021. This rule explains the portions of the state voters' pamphlet for translation, the option for federal and statewide candidates to submit their own translated statements, the option for filers of arguments to submit their own translated arguments, and related responsibilities of the Secretary of State to notify users of the availability of translated pamphlets.

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 translate state voters' pamphlets from English into the most commonly spoken languages of the state and each 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: 165-024-0030

RULE SUMMARY: HB 3021 (2021) created provisions codified in ORS 251 requiring the Secretary of State to translate state voters' pamphlets into the most commonly spoken state and county languages. This rule explains the portions of the state voters' pamphlet for translation, the option for federal and statewide candidates to submit their own translated statements, the option for filers of arguments to submit their own translated arguments, and related responsibilities of the Secretary of State.

CHANGES TO RULE:

165-024-0030

Translation of Selected State Voters Pamphlet Materials

(1) This rule governs the required translation of Selected State Voters' Pamphlet Materials by the Secretary of State for all primary, general, and special elections. ¶

(2) The Secretary of State shall translate Selected State Voters' Pamphlet materials from English into the State List of Languages and shall post the translations publicly on the Secretary of State's website. ¶

(3) The Secretary of State shall include in the State Voters Pamphlet a plain language statement concerning translated material. ¶

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

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

(c) The statement shall appear in the State Voters' Pamphlet on the page immediately following the Secretary of State's letter to voters or other similar introductory statement. ¶

(d) If the State Voters' Pamphlet does not include a letter from the Secretary of State or other similar official communication, the statement shall be prominently placed on the page immediately before the Table of Contents page of the State Voters' Pamphlet. ¶

(4) The Secretary of State shall translate the following Selected State Voters' Pamphlet Material into the State List of Languages: ¶

- (a) State voters' pamphlet general information including:
- (A) The Secretary of State's letter to voters;
 - (B) Requirements for a citizen to qualify as an elector;
 - (C) Voter registration requirements including qualifications and when to register or update a registration;
 - (D) The right of an elector to request and obtain a second ballot if the first ballot is spoiled;
 - (E) Resources for voters with disabilities and the right of an elector to seek assistance in marking the ballot;
 - (F) Maps showing the boundaries of senatorial and representative elections;
 - (G) Voter registration forms;
 - (H) Other information the Secretary of State considers relevant to the conduct of the election;
 - (I) Contact information for county elections offices;
 - (J) Information regarding services offered by elections offices;
 - (K) Key dates for the election;
 - (L) How to cast a ballot; and
 - (M) The duties and responsibilities of a precinct committee person to be elected at the primary elections.
- (b) Statewide ballot measure information including:
- (A) The ballot title for each statewide measure;
 - (B) The explanatory statement for each measure;
 - (C) The financial estimate for each measure;
 - (D) Any racial or ethnic impact statements prepared under ORS 137.685; and
 - (E) Any statements submitted by a citizen panel under ORS 250.141.
- (5) The following people shall have the option to submit their own translated statements or arguments for posting on the Secretary of State's website of translated materials:
- (a) A federal or statewide candidate may submit their own translated candidate statements. The filer shall be the candidate or the candidate's agent.
 - (b) A filer of arguments in support of or in opposition to a state measure may submit their own translated arguments. The filer shall be the person who will be listed as furnishing the argument in the voters' pamphlet.
 - (c) Committee filers of arguments for a statewide measure prepared by the Legislative Assembly may submit their own translated arguments.
 - (6) Filers of translated statements or arguments shall meet the following requirements:
 - (a) Filers must use the electronic filing system adopted by the Secretary of State and all associated forms and procedures under OAR 165-016-0000 to submit statements or arguments.
 - (b) Translations must be accurate and complete. Translations that are not accurate and complete or that fail to meet other compliance requirements may be excluded under ORS 251.055.
 - (c) Filers may submit translated statements or arguments in any or all the State List of Languages. Translated statements or arguments shall not be limited in word count.
 - (d) Filers shall bear the cost of said translations for inclusion in state voters' pamphlet on the Secretary of State's website.
 - (7) For counties that do not produce a county voters' pamphlet, the Secretary of State shall translate community college district measures relating to bonding, and metropolitan service district measures, according to ORS 251.285 for inclusion in translated State Voters' Pamphlet Material.
 - (8) A county may translate any portion of the state voters' pamphlet or accept translations for publication that are not described in this rule for publication on the County's website.
 - (a) The county shall bear the cost of translations, if applicable, and publishing on the County's website.
 - (b) The county's translations, if any, shall follow 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 251.026, ORS 251.170