

HB 3021 -3, -4, -5 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 3/4, 4/13, 5/6

WHAT THE MEASURE DOES:

Requires Secretary of State to create and make publicly available a list of the five most common languages spoken by residents of this state and to update the list on a biennial basis. Requires Secretary of State and county clerk to ensure state and county voters' pamphlets are professionally translated into each identified language and make each translation available on the county website. Requires voters' pamphlets to include, in each of five identified languages, website address for translated voters' pamphlet. Applies to all voters' pamphlets distributed on or after January 1, 2023. Takes effect 91 days following adjournment sine die.

ISSUES DISCUSSED:

- Relationship to House Bill 2745 and requesting voter preferred language
- Data sources available for Secretary of State to identify top five languages spoken for each county

EFFECT OF AMENDMENT:

-3 Establishes Translation Advisory Council, appointed by the Secretary of State (SOS), consisting of five at-large members and at least one translator member for each of the five most commonly spoken languages in this state, other than English, and for each language in each county that the SOS reasonably anticipates requiring a translated voters' pamphlet at the next election. Establishes membership conditions and council operational requirements. Requires that council ensure the translation of voters' pamphlets is professionally conducted; culturally responsive and serves the intended community; accurate; and held to the same standards as the original version.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

-4 Replaces the measure. Requires Secretary of State to create and make publicly available a list of the five most common languages spoken in the state and each county, other than English. Requires the list to be based on the best available data; include the estimated number of individuals in each county who speak each listed language; and be updated at least once every five years. Requires Secretary of State and county clerk to ensure that for each county the voters' pamphlet is translated into the languages currently and previously listed by the SOS for that county and is available on the SOS and applicable county websites. Exempts state or county voters' pamphlet mailed to county residents from translation requirement if fewer than 100 individuals in the county speak the language, but requires voters' pamphlet mailed to county residents to be translated into the most commonly spoken language in the county other than English. Identifies sections of voters' pamphlet required to be professionally translated by SOS and requires certain statements regarding translations in the state and county voters' pamphlets. Allows translations in the state listed languages to be filed with the SOS for certain candidate statements, statements in support or opposition to a state measure, and the argument for a referred measure prepared by the Legislative Assembly. Sets conditions for submission of translations for the website voters' pamphlet and includes translations in the statutory provisions for rejecting submissions for voters' pamphlet materials. Requires SOS to create the first language list by June 30, 2022 and establishes implementation dates for translations of voters' pamphlets based on county population.

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REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

-5 Replaces the measure. Requires Secretary of State (SOS) to create and make publicly available a list of the five most common languages spoken in the state and each county, other than English. Requires the list to be based on the best available data; include the estimated number of individuals in each county who speak each listed language; and be updated at least once every five years. Requires SOS to ensure each state and county voters' pamphlet mailed to county residents is translated into the listed state languages, county languages spoken by 100 or more individuals, and each previously listed county language and is available on the SOS and applicable county websites. Requires state and county voters' pamphlets mailed to residents in a certain county to be translated into the most commonly spoken language in that county if no language, other than English, is spoken by 100 or more county individuals. Identifies sections of state and county voters' pamphlet required to be professionally translated by SOS and requires certain statements regarding translated voters' pamphlets. Allows translations for the state voters' pamphlet to be filed with the SOS in one of the five state listed languages for certain candidate statements, statements in support or opposition to a state measure, and the argument for a referred measure prepared by the Legislative Assembly. Sets conditions for submission of translations. Establishes Translation Advisory Council, appointed by the Secretary of State (SOS), consisting of five at-large members and at least one translator member for each of the five most commonly spoken languages in this state, other than English, and for each language in each county that the SOS reasonably anticipates requiring a translated voters' pamphlet at the next election. Establishes membership conditions and council operational requirements. Requires SOS to consult with council to ensure the translation of voters' pamphlets is professionally conducted; culturally responsive and serves the intended community; accurate; and held to the same standards. Applies to all voters' pamphlets distributed on or after June 30, 2022. Takes effect 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: No revenue impact

BACKGROUND:

The Oregon voters' pamphlet is a publication produced and distributed by the Secretary of State (SOS) Elections Division. A voters' pamphlet is produced for each primary and general election, as well as for any special statewide election. One copy of the voters' pamphlet is mailed to every household in the state. The voters' pamphlet includes information about candidates, measures, recognized political parties, and any assembly of electors. It also includes instructions for marking the ballot, a complete list of federal and state candidates, and other information on the voting process.

A county may publish a county voters' pamphlet and distribute it themselves; publish a county voters' pamphlet and have it inserted in the state voters' pamphlet for elections for which the SOS is required to publish a pamphlet; or not publish a county voters' pamphlet and have certain local candidates and measures be eligible for inclusion in the state voters' pamphlet (OAR 165-007-0030).

House Bill 3021 requires the SOS to create and make publicly available a list of the five most common languages spoken by residents of this state and requires the SOS and county clerks to ensure that the state and county voters' pamphlets are professionally translated into and made available online in each identified language.