

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3021 - A

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Michael Graham
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Date: May 11, 2021**Measure Description:**

Requires the Secretary of State to create and make publicly available a list of the five most commonly spoken languages in the state and in each county, other than English.

Government Unit(s) Affected:

Secretary of State (SOS), Counties

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:**Secretary of State**

General Fund	2021-23 Biennium	2023-25 Biennium
Personal Services	\$344,701	\$213,947
Services and Supplies	338,902	322,198
Total Funds	\$683,603	\$536,145
Positions	2	1
FTE	1.83	1.00

Analysis:

House Bill 3021, A-engrossed, replaces the introduced version. The measure directs the Secretary of State (SOS or the Secretary) to create and make publicly available a list of the five most commonly spoken languages in the state and in each county, other than English. The lists must 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. SOS shall ensure that each state and county voters' pamphlet mailed to residents of a county is translated into the five most commonly spoken languages in the state, other than English, and the five most commonly spoken languages in each county estimated to be spoken by at least 100 individuals in the county, and other languages previously listed by SOS. The measure directs SOS to make each translation of the voters' pamphlets available on the SOS website or the applicable county website. A county may at its own expense make or accept for publication on the county's website, as part of a translated voters' pamphlet, any portion of a state or county voters' pamphlet that is not described in the measure. SOS may adopt administrative rules to implement and comply with the measure. Except for the publications that counties may choose to make or accept, SOS is responsible for all the costs associated with implementing and complying with the measure.

In any state voters' pamphlet, SOS shall include statements in the information section of the pamphlet that explain that the pamphlet is written in English and the five additional common languages for the county listed, explain that an electronic copy of portions of the pamphlet is publicly available, and provide the website address to the translated pamphlet. If a county produces a county voters' pamphlet for an election, the county shall include similar statements in the information section of the county voters' pamphlet.

The measure establishes the Translation Advisory Council, which shall consist of five at-large members and at least one translator member for each of the five most commonly spoken languages in the state and for each language in each county for which SOS reasonably anticipates a voters' pamphlet at the next election will be required. The Secretary may appoint more than one translator for languages that are more commonly spoken. The term of a member is generally two years, though the initial term for some members is three years. Prior to appointing each translator member, the Secretary shall confer with and seek recommendations from the board of county commissioners for each applicable county. The council shall meet at least once per year. Council members are entitled to *per diem* compensation and may receive actual and necessary travel or other expenses incurred in the performance of their council duties. SOS shall provide clerical and other support to the council and shall consult with the council to ensure that the translation of a voters' pamphlet is professional, accurate, culturally responsive, and held to the same standards as the original version. The measure takes effect 91 days after adjournment *sine die*.

Secretary of State

The measure would have a fiscal impact on SOS. To assist the Translation Advisory Council, SOS anticipates needing to promulgate new administrative rules that clearly direct the authority and activities of the council, which will require additional staff with experience and expertise in developing new administrative rules. SOS has thus requested a permanent, full-time General Counsel position in SOS's revised Agency Request Budget. Though not included in this fiscal impact statement, this position, if approved, would oversee the promulgation of the new administrative rules to implement the measure. In addition to the General Counsel position, SOS anticipates needing a full-time, limited duration Program Analyst 3 to assist with promulgating the new administrative rules, and to create procedures and processes for the council. This position would be phased out after the 2021-23 biennium. SOS would also need a permanent, full-time Administrative Specialist 2 to support the ongoing work of the council. The members of the council are entitled to *per diem* compensation, which is currently calculated at \$30 per day, as well as actual and necessary travel or other expenses. SOS estimates the council costs at \$4,000 General Fund per year; however, it should be noted that if House Bill 2992 were to pass in the 2021 Regular Session, the council members' rate of compensation would increase from \$30 per day to \$151 per day, which would alter the council's estimated annual costs.

The measure requires SOS to ensure that the state voters' pamphlet and county voters' pamphlets are translated into each of the five identified languages and to make the translated voters' pamphlets available on the Secretary of State's website. It also requires these voters' pamphlets to include, in each of the five identified languages, the website address for each translated voters' pamphlet. SOS is to assume responsibility for funding these changes. The estimated cost to SOS to translate the state and county voters' pamphlets and to make it available on the SOS website, including needed information technology upgrades, is \$294,203 General Fund per biennium. This assumes a cost of between .24 cents and .34 per word at 226,310 word per language, including Spanish, Russian, Somalian, Chinese and Vietnamese.

Overall, the estimated fiscal impact to SOS is \$683,603 General Fund, including two positions (1.83 FTE), in 2021-23, and \$536,145 General Fund, including one position (1.00 FTE), in 2023-25. The measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its impact on the State's General Fund and SOS' biennial budget.

Counties

The measure would have a minimal fiscal impact on counties. Although counties may at their own expense, as part of a translated voters' pamphlet, make or accept for publication on the county's website any portion of a state or county voters' pamphlet that is not described in the measure, they are not required to do so. However, if a county produces a county voters' pamphlet for an election, the county would need to include certain informational statements in the information section of the pamphlet. Overall, the measure might marginally increase a county's elections costs, assuming the county produces a county voters' pamphlet and provides information on the county's website.