

**A-Engrossed**  
**Senate Bill 169**

Ordered by the Senate March 27  
Including Senate Amendments dated March 27

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Shemia Fagan)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Requires Secretary of State to study how to improve efficacy of voters' pamphlet. Directs secretary to submit findings to interim committees of Legislative Assembly related to elections not later than September 15, 2024.]*

**Increases, from 5 to 10, number of most commonly spoken languages in each county, other than English, that Secretary of State must include on publicly available list and into which secretary must translate voters' pamphlets.**

**Increases, from 100 or more individuals to 300 or more individuals, number of people in county who must speak one of 10 listed languages in order to require county voters' pamphlet to be translated into that language.**

**A BILL FOR AN ACT**

Relating to elections; creating new provisions; and amending ORS 251.026, 251.167 and 251.315.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 251.167 is amended to read:

251.167. (1) The Secretary of State shall create and make publicly available a list of:

- (a) The five most commonly spoken languages in the state, other than English; and
- (b) The *[five]* **10** most commonly spoken languages in each county, other than English.

(2) The lists created under subsection (1) of this section must:

(a) Be based on the best available data, which may include the most recent American Community Survey from the United States Census Bureau, estimates from the Portland State University Population Research Center and any other necessary data sources;

(b) Include, when complying with subsection (1)(b) of this section, the estimated number of individuals in each county who speak each listed language; and

(c) Be updated at least once every five years.

(3) The Secretary of State shall:

(a) Ensure each state voters' pamphlet mailed to residents of a county is translated in the manner described in ORS 251.170 into:

(A) Each language listed by the Secretary of State under subsection (1)(a) of this section;

(B) Each language listed by the Secretary of State under subsection (1)(b) of this section that the Secretary of State estimates under subsection (2)(b) of this section to be spoken by *[100]* **300** or more individuals in any one county; and

(C) Each language that has previously been listed by the Secretary of State under subsection (1)(b) of this section, even if the language is not included in the most recent list created by the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Secretary of State;

2 (b) Ensure each county voters' pamphlet mailed to residents of a county is translated in the  
3 manner described in ORS 251.170 into:

4 (A) Each language listed by the Secretary of State under subsection (1)(a) of this section;

5 (B) Each language listed for the county for that county voters' pamphlet by the Secretary of  
6 State under subsection (1)(b) of this section that the Secretary of State estimates under subsection  
7 (2)(b) of this section to be spoken by [100] **300** or more individuals in the county; and

8 (C) Each language that has previously been listed by the Secretary of State for the county for  
9 that county voters' pamphlet under subsection (1)(b) of this section, even if the language is not in-  
10 cluded in the most recent list created by the Secretary of State;

11 (c) Make each translation of the voters' pamphlet that is made under paragraph (a) or (b) of this  
12 subsection or subsection (4) of this section available on the website of the Secretary of State and  
13 of the county as applicable; and

14 (d) Prominently provide the website address for each translation in the manner set forth in ORS  
15 251.026 and 251.315.

16 (4) Notwithstanding subsection (3)(a)(B) and (b)(B) of this section, if the Secretary of State esti-  
17 mates under subsection (2)(b) of this section that no language, other than English, is spoken by  
18 [100] **300** or more individuals in a particular county, the Secretary of State shall ensure:

19 (a) Each state voters' pamphlet mailed to residents of the county is translated in the manner  
20 described in ORS 251.170 into the most commonly spoken language in that county, other than Eng-  
21 lish, as listed by the Secretary of State under subsection (1)(b) of this section; and

22 (b) Each county voters' pamphlet mailed to residents of the county is translated in the manner  
23 described in ORS 251.170 into the most commonly spoken language in that county, other than Eng-  
24 lish, as listed by the Secretary of State under subsection (1)(b) of this section.

25 (5) The Secretary of State:

26 (a) May adopt any rules necessary to implement this section; and

27 (b) Is responsible for all costs necessary to comply with this section.

28 **SECTION 2.** ORS 251.026 is amended to read:

29 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for  
30 the state primary election, the general election and any special election described in ORS 251.022  
31 a statement containing, if applicable:

32 (a) Requirements for a citizen to qualify as an elector.

33 (b) When an elector is required to register or update a registration.

34 (c) In the voters' pamphlet for the primary election, a statement of the duties and responsibil-  
35 ities of a precinct committeeperson to be elected at the primary election.

36 (d) Any other information the Secretary of State considers relevant to the conduct of the  
37 election.

38 (2) The Secretary of State, in cooperation with the county clerks, shall include:

39 (a) A statement on the cover of the voters' pamphlet that the pamphlet may be used to assist  
40 electors in voting; and

41 (b)(A) Statements in the information section of the voters' pamphlet on the pages immediately  
42 following the page containing the Secretary of State letter, to the extent reasonably practicable,  
43 that, for residents of each county to which the voters' pamphlet is distributed:

44 (i) Are written in English and the [five] **10** additional common languages for the county listed  
45 by the Secretary of State under ORS 251.167;

1 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in  
2 that language; and

3 (iii) Provide the website address to the translated voters' pamphlet.

4 (B) The statements required under subparagraph (A) of this paragraph must be written so as to  
5 be clearly readable.

6 (C) The Secretary of State may adopt rules necessary to implement this paragraph.

7 (3) The Secretary of State may include in the voters' pamphlet the following information:

8 (a) Maps showing the boundaries of senatorial and representative districts.

9 (b) Voter registration forms.

10 (c) Elector instructions, including the right of an elector to request a second ballot if the first  
11 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

12 (4)(a) The name of the county clerk or other filing officer may not appear in the voters' pamphlet  
13 in the county clerk's or filing officer's official capacity if the county clerk or filing officer is a  
14 candidate in the election for which the voters' pamphlet is printed.

15 (b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

16 **SECTION 3.** ORS 251.315 is amended to read:

17 251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall  
18 include, when applicable, at least the following information:

19 (a) Requirements for a citizen to qualify as an elector.

20 (b) Requirements for registration and updates of registration.

21 (c) Elector instructions, including the right of an elector to request a second ballot if the first  
22 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

23 (d) The hours and locations of places designated under ORS 254.470 for deposit of official ballots.

24 (e) Any portraits and statements relating to candidates submitted in accordance with the pro-  
25 visions of ORS 251.305 to 251.435.

26 (f) Any ballot titles, explanatory statements and arguments submitted in accordance with the  
27 provisions of ORS 251.305 to 251.435.

28 (g)(A) Statements in the information section of the voters' pamphlet on the pages immediately  
29 following the page containing the Secretary of State letter, to the extent reasonably practicable,  
30 that:

31 (i) Are written in English and the [*five*] **10** additional common languages for the county listed  
32 by the Secretary of State under ORS 251.167;

33 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in  
34 that language; and

35 (iii) Provide the website address to the translated voters' pamphlet.

36 (B) The statements required under subparagraph (A) of this paragraph must be written so as to  
37 be clearly readable.

38 (C) The Secretary of State may adopt rules necessary to implement this paragraph.

39 (h) Such other information as the county clerk considers to be appropriate or necessary to in-  
40 form the voters.

41 (2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later  
42 than the last day for mailing ballots to electors as provided in ORS 254.470.

43 (3)(a) The name of the county clerk or other filing officer may not appear in the county voters'  
44 pamphlet in the county clerk's or filing officer's official capacity if the county clerk or filing officer  
45 is a candidate in the election for which the voters' pamphlet is printed.

1 (b) As used in this subsection, “filing officer” has the meaning given that term in ORS 254.165.

2 **SECTION 4. The amendments to ORS 251.026, 251.167 and 251.315 by sections 1 to 3 of this**  
3 **2023 Act first apply to state voters’ pamphlets and county voters’ pamphlets that are dis-**  
4 **tributed on or after April 30, 2024.**

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