

Requested by Representative PHAM

**PROPOSED AMENDMENTS TO
HOUSE BILL 3021**

- 1 On page 1 of the printed bill, line 2, after “251.026” insert “, 251.055”.
- 2 Delete lines 5 through 28.
- 3 Delete pages 2 and 3 and insert:
- 4 **“SECTION 1. Sections 2 and 3 of this 2021 Act are added to and**
- 5 **made a part of ORS chapter 251.**
- 6 **“SECTION 2. (1) The Secretary of State shall create and make**
- 7 **publicly available a list of:**
- 8 **“(a) The five most commonly spoken languages in the state, other**
- 9 **than English; and**
- 10 **“(b) The five most commonly spoken languages in each county,**
- 11 **other than English.**
- 12 **“(2) The lists created under subsection (1) of this section must:**
- 13 **“(a) Be based on the best available data, which may include the**
- 14 **most recent American Community Survey from the United States**
- 15 **Census Bureau, estimates from the Portland State University Popu-**
- 16 **lation Research Center and any other necessary data sources;**
- 17 **“(b) Include, when complying with subsection (1)(b) of this section,**
- 18 **the estimated number of individuals in each county who speak each**
- 19 **listed language; and**
- 20 **“(c) Be updated at least once every five years.**
- 21 **“(3) For each state voters’ pamphlet and county voters’ pamphlet**

1 mailed to residents of a county, the Secretary of State and the county
2 clerk shall:

3 “(a) Except as provided in subsection (4) of this section, ensure that
4 for each county, the voters’ pamphlet is translated into:

5 “(A) Each language listed by the Secretary of State for that county
6 under subsection (1)(b) of this section in the manner described in sec-
7 tion 3 of this 2021 Act; and

8 “(B) Each language that has previously been listed by the Secretary
9 of State for that county under subsection (1)(b) of this section in the
10 manner described in section 3 of this 2021 Act, even if the language is
11 not included in the most recent list created by the Secretary of State;

12 “(b) Make each translation of the voters’ pamphlet that is made
13 under paragraph (a) of this subsection available on the website of the
14 Secretary of State and of the county as applicable; and

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

17 “(4)(a) Except as provided in paragraph (b) of this subsection, a
18 state voters’ pamphlet or county voters’ pamphlet mailed to residents
19 of a county is not required to be translated into a language listed by
20 the Secretary of State for that county under subsection (1)(b) of this
21 section in the manner described in section 3 of this 2021 Act if the
22 Secretary of State has estimated under subsection (2)(b) of this section
23 that fewer than 100 individuals in the county speak the language.

24 “(b) Each state voters’ pamphlet or county voters’ pamphlet mailed
25 to residents of a county must be translated into the most commonly
26 spoken language in the county, other than English, as listed by the
27 Secretary of State for that county under subsection (1)(b) of this sec-
28 tion in the manner described in section 3 of this 2021 Act.

29 “(5) The Secretary of State:

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

1 **“(b) Is responsible for all costs necessary to comply with this sec-**
2 **tion.**

3 **“SECTION 3. (1) The translation of a state voters’ pamphlet or**
4 **county voters’ pamphlet required under section 2 of this 2021 Act shall**
5 **be made in the manner described in this section.**

6 **“(2) For each state voters’ pamphlet and county voters’ pamphlet**
7 **mailed to residents of a county, the Secretary of State shall have the**
8 **following portions of the voters’ pamphlet professionally translated**
9 **into each language for which a translation is required under section**
10 **2 of this 2021 Act:**

11 **“(a) Any official statement or communication made by the Secre-**
12 **tary of State, county clerk, filing office or other public elections offi-**
13 **cial, including any information described in ORS 251.026 or 251.315**
14 **(1)(a) to (d) and (g) and any other information regarding services of-**
15 **fered by elections offices, how to cast a ballot or key dates for the**
16 **election;**

17 **“(b) The ballot title for each measure;**

18 **“(c) The explanatory statement for each measure;**

19 **“(d) The financial estimate for each measure and any statement**
20 **prepared for a measure under ORS 250.125;**

21 **“(e) Any racial and ethnic impact statement prepared for a measure**
22 **under ORS 137.685;**

23 **“(f) Any statement submitted for a measure by a citizen panel un-**
24 **der ORS 250.141; and**

25 **“(g) Any other statement for a measure created by a public body**
26 **as defined in ORS 174.109.**

27 **“(3) In addition to the materials that the Secretary of State is re-**
28 **quired to have professionally translated under subsection (2) of this**
29 **section, the Secretary of State shall allow to be included in the**
30 **translated version of each state and county’s voters pamphlet that is**

1 made available on the website of the Secretary of State or of a county
2 under section 2 of this 2021 Act:

3 “(a) Translations of a candidate statement submitted under ORS
4 251.065, provided that:

5 “(A) The candidate is a candidate for federal or statewide office;

6 “(B) The translation is filed by a candidate or the principal cam-
7 paign committee of a candidate described in subparagraph (A) of this
8 paragraph;

9 “(C) Neither the translation nor the candidate statement submitted
10 under ORS 251.065 is rejected under ORS 251.055;

11 “(D) The candidate statement meets the requirements of a candi-
12 date statement set forth in this chapter; and

13 “(E) Any translation filed under this paragraph is in one of the five
14 most commonly spoken languages in this state, other than English,
15 as listed by the Secretary of State under section 2 of this 2021 Act.

16 “(b) Translations of an argument in support of or in opposition to
17 a state measure filed under ORS 251.255, provided that:

18 “(A) The translation is filed by the person who filed the argument
19 in support of or in opposition to a state measure under ORS 251.255;

20 “(B) Neither the translation nor the argument in support of or in
21 opposition to a state measure filed under ORS 251.255 is rejected under
22 ORS 251.055;

23 “(C) The statement in support of or in opposition to a state measure
24 meets the requirements of a statement in support of or in opposition
25 to a state measure set forth in this chapter; and

26 “(D) Any translation filed under this paragraph is in one of the five
27 most commonly spoken languages in this state, other than English,
28 as listed by the Secretary of State under section 2 of this 2021 Act.

29 “(c) Translations of any argument for a measure prepared by the
30 Legislative Assembly under ORS 251.245 submitted by the Legislative

1 **Assembly, provided that any translation filed under this paragraph is**
2 **in one of the five most commonly spoken languages in this state, other**
3 **than English, as listed by the Secretary of State under section 2 of this**
4 **2021 Act.**

5 **“(4)(a) A translation that is permitted or required under this section**
6 **is not required to be identical in words to the original version but**
7 **must be consistent with the meaning of the original version.**

8 **“(b) A translation is not subject to any limitations on the number**
9 **of words allowed set forth in this chapter.**

10 **“(5) A county may at its own expense make or accept for publica-**
11 **tion on the county’s website, as part of a translated voters’ pamphlet**
12 **required under section 2 of this 2021 Act, any portion of a state or**
13 **county voters’ pamphlet that is not described in this section.**

14 **“(6) The Secretary of State:**

15 **“(a) May adopt any rules necessary to implement this section; and**

16 **“(b) Except as provided in subsection (5) of this section, is respon-**
17 **sible for all costs necessary to comply with this section.**

18 **“(7) As used in this section, ‘statewide office’ means Governor,**
19 **Secretary of State, State Treasurer, Attorney General, Commissioner**
20 **of the Bureau of Labor and Industries, or judge on the Oregon Su-**
21 **preme Court, the Oregon Court of Appeals or the Oregon Tax Court.**

22 **“SECTION 4. ORS 251.026 is amended to read:**

23 **“251.026. (1) The Secretary of State shall prepare and have printed in the**
24 **voters’ pamphlet for the state primary election, the general election and any**
25 **special election described in ORS 251.022 a statement containing, if applica-**
26 **ble:**

27 **“(a) Requirements for a citizen to qualify as an elector.**

28 **“(b) When an elector is required to register or update a registration.**

29 **“(c) In the voters’ pamphlet for the primary election, a statement of the**
30 **duties and responsibilities of a precinct committeeperson to be elected at the**

1 primary election.

2 “(d) Any other information the Secretary of State considers relevant to
3 the conduct of the election.

4 “(2) The Secretary of State, **in cooperation with the county clerks,**
5 shall include:

6 “(a) A statement on the cover of the voters’ pamphlet that the pamphlet
7 may be used to assist electors in voting[.]; **and**

8 “(b)(A) **Statements in the information section of the voters’ pam-**
9 **phlet on the pages immediately following the page containing the**
10 **Secretary of State letter, to the extent reasonably practicable, that,**
11 **for residents of each county to which the voters’ pamphlet is distrib-**
12 **uted:**

13 “(i) **Are written in English and the five additional common lan-**
14 **guages for the county listed by the Secretary of State under section 2**
15 **of this 2021 Act;**

16 “(ii) **Explain that an electronic copy of portions of the voters’**
17 **pamphlet is publicly available in that language; and**

18 “(iii) **Provide the website address to the translated voters’ pam-**
19 **phlet.**

20 “(B) **The statements required under subparagraph (A) of this para-**
21 **graph must be written so as to be clearly readable.**

22 “(C) **The Secretary of State may adopt rules necessary to implement**
23 **this paragraph.**

24 “(3) The Secretary of State may include in the voters’ pamphlet the fol-
25 lowing information:

26 “(a) Maps showing the boundaries of senatorial and representative dis-
27 tricts.

28 “(b) Voter registration forms.

29 “(c) Elector instructions, including the right of an elector to request a
30 second ballot if the first ballot is spoiled and the right of an elector to seek

1 assistance in marking the ballot.

2 “(4)(a) The name of the county clerk or other filing officer may not appear
3 in the voters’ pamphlet in the county clerk’s or filing officer’s official ca-
4 pacity if the county clerk or filing officer is a candidate in the election for
5 which the voters’ pamphlet is printed.

6 “(b) As used in this subsection, ‘filing officer’ has the meaning given that
7 term in ORS 254.165.

8 “**SECTION 5.** ORS 251.055 is amended to read:

9 “251.055. (1) The Secretary of State shall reject any statement,
10 argument, **translation** or other matter offered for filing and [*printing*]
11 **publishing** in a voters’ pamphlet [*which*] **that**:

12 “(a) Contains any obscene, profane or defamatory language;

13 “(b) Incites or advocates hatred, abuse or violence toward any person or
14 group; or

15 “(c) Contains any language which may not legally be circulated through
16 the mails.

17 “(2) Nothing in this chapter shall make the author of any statement,
18 [*or*] argument **or translation** exempt from any civil or criminal action be-
19 cause of any defamatory statements offered for [*printing*] **publishing** or
20 contained in the voters’ pamphlet. The persons writing, signing or offering
21 a statement, [*or*] argument **or translation** for filing shall be deemed its au-
22 thors and publishers.

23 “(3) The Secretary of State by rule shall establish a procedure to notify
24 a person who offered a statement, argument, **translation** or other matter
25 that was rejected pursuant to this section. Subject to voters’ pamphlet
26 deadlines, the procedure shall require the Secretary of State to:

27 “(a) Make reasonable attempts to notify the person of the rejection; and

28 “(b) Allow the person, if notified pursuant to paragraph (a) of this sub-
29 section, to revise the statement, **argument or translation** so that it does
30 not violate the provisions of this section.

1 **“SECTION 6.** ORS 251.315 is amended to read:

2 “251.315. (1) If a county produces a county voters’ pamphlet, the county
3 voters’ pamphlet shall include, when applicable, at least the following in-
4 formation:

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

6 “(b) Requirements for registration and updates of registration.

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

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

12 “(e) Any portraits and statements relating to candidates submitted in ac-
13 cordance with the provisions of ORS 251.305 to 251.435.

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

16 **“(g)(A) Statements in the information section of the voters’ pam-
17 phlet on the pages immediately following the page containing the
18 Secretary of State letter, to the extent reasonably practicable, that:**

19 **“(i) Are written in English and the five additional common lan-
20 guages for the county listed by the Secretary of State under section 2
21 of this 2021 Act;**

22 **“(ii) Explain that an electronic copy of portions of the voters’
23 pamphlet is publicly available in that language; and**

24 **“(iii) Provide the website address to the translated voters’ pam-
25 phlet.**

26 **“(B) The statements required under subparagraph (A) of this para-
27 graph must be written so as to be clearly readable.**

28 **“(C) The Secretary of State may adopt rules necessary to implement
29 this paragraph.**

30 “[g] **(h)** Such other information as the county clerk considers to be ap-

1 appropriate or necessary to inform the voters.

2 “(2) The county clerk shall mail or otherwise distribute the county voters’
3 pamphlet not later than the last day for mailing ballots to electors as pro-
4 vided in ORS 254.470.

5 “(3)(a) The name of the county clerk or other filing officer may not appear
6 in the county voters’ pamphlet in the county clerk’s or filing officer’s official
7 capacity if the county clerk or filing officer is a candidate in the election
8 for which the voters’ pamphlet is printed.

9 “(b) As used in this subsection, ‘filing officer’ has the meaning given that
10 term in ORS 254.165.

11 **“SECTION 7. (1) The Secretary of State shall create the first lists
12 required in section 2 (1) of this 2021 Act no later than June 30, 2022.**

13 **“(2) Except as provided in subsection (1) of this section, sections 2
14 and 3 of this 2021 Act and the amendments to ORS 251.026, 251.055 and
15 251.315 by sections 4 to 6 of this 2021 Act apply to all voters’ pamphlets
16 distributed:**

17 **“(a) On or after June 30, 2022, for counties with populations of
18 250,001 or more;**

19 **“(b) On or after January 1, 2023, for counties with populations of
20 100,001 to 250,000;**

21 **“(c) On or after January 1, 2024, for counties with populations of
22 30,001 to 100,000; and**

23 **“(d) On or after January 1, 2025, for counties with populations of
24 30,000 or fewer.**

25 **“SECTION 8. This 2021 Act takes effect on the 91st day after the
26 date on which the 2021 regular session of the Eighty-first Legislative
27 Assembly adjourns sine die.”.**

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