

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 169**

1 In line 2 of the printed bill, after “elections” insert “; creating new pro-
2 visions; and amending ORS 251.026, 251.167 and 251.315”.

3 Delete lines 4 through 8 and insert:

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

5 “251.167. (1) The Secretary of State shall create and make publicly avail-
6 able a list of:

7 “(a) The five most commonly spoken languages in the state, other than
8 English; and

9 “(b) The [*five*] **10** most commonly spoken languages in each county, other
10 than English.

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

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

16 “(b) Include, when complying with subsection (1)(b) of this section, the
17 estimated number of individuals in each county who speak each listed lan-
18 guage; and

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

20 “(3) The Secretary of State shall:

21 “(a) Ensure each state voters’ pamphlet mailed to residents of a county

1 is translated in the manner described in ORS 251.170 into:

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

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

8 “(C) Each language that has previously been listed by the Secretary of
9 State 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 “(b) Ensure each county voters’ pamphlet mailed to residents of a county
12 is translated in the manner described in ORS 251.170 into:

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

15 “(B) Each language listed for the county for that county voters’ pamphlet
16 by the Secretary of State under subsection (1)(b) of this section that the
17 Secretary of State estimates under subsection (2)(b) of this section to be
18 spoken by [100] **300** or more individuals in the county; and

19 “(C) Each language that has previously been listed by the Secretary of
20 State for the county for that county voters’ pamphlet under subsection (1)(b)
21 of this section, even if the language is not included in the most recent list
22 created by the Secretary of State;

23 “(c) Make each translation of the voters’ pamphlet that is made under
24 paragraph (a) or (b) of this subsection or subsection (4) of this section
25 available on the website of the Secretary of State and of the county as ap-
26 plicable; and

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

29 “(4) Notwithstanding subsection (3)(a)(B) and (b)(B) of this section, if the
30 Secretary of State estimates under subsection (2)(b) of this section that no

1 language, other than English, is spoken by [100] **300** or more individuals in
2 a particular county, the Secretary of State shall ensure:

3 “(a) Each state voters’ pamphlet mailed to residents of the county is
4 translated in the manner described in ORS 251.170 into the most commonly
5 spoken language in that county, other than English, as listed by the Secre-
6 tary of State under subsection (1)(b) of this section; and

7 “(b) Each county voters’ pamphlet mailed to residents of the county is
8 translated in the manner described in ORS 251.170 into the most commonly
9 spoken language in that county, other than English, as listed by the Secre-
10 tary of State under subsection (1)(b) of this section.

11 “(5) The Secretary of State:

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

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

14 **“SECTION 2.** ORS 251.026 is amended to read:

15 “251.026. (1) The Secretary of State shall prepare and have printed in the
16 voters’ pamphlet for the state primary election, the general election and any
17 special election described in ORS 251.022 a statement containing, if applica-
18 ble:

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

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

21 “(c) In the voters’ pamphlet for the primary election, a statement of the
22 duties and responsibilities of a precinct committeeperson to be elected at the
23 primary election.

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

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

28 “(a) A statement on the cover of the voters’ pamphlet that the pamphlet
29 may be used to assist electors in voting; and

30 “(b)(A) Statements in the information section of the voters’ pamphlet on

1 the pages immediately following the page containing the Secretary of State
2 letter, to the extent reasonably practicable, that, for residents of each county
3 to which the voters' pamphlet is distributed:

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

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

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

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

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

13 "(3) The Secretary of State may include in the voters' pamphlet the fol-
14 lowing information:

15 "(a) Maps showing the boundaries of senatorial and representative dis-
16 tricts.

17 "(b) Voter registration forms.

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

21 "(4)(a) The name of the county clerk or other filing officer may not appear
22 in the voters' pamphlet in the county clerk's or filing officer's official ca-
23 pacity if the county clerk or filing officer is a candidate in the election for
24 which the voters' pamphlet is printed.

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

27 "**SECTION 3.** ORS 251.315 is amended to read:

28 "251.315. (1) If a county produces a county voters' pamphlet, the county
29 voters' pamphlet shall include, when applicable, at least the following in-
30 formation:

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

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

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

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

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

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

12 “(g)(A) Statements in the information section of the voters’ pamphlet on
13 the pages immediately following the page containing the Secretary of State
14 letter, to the extent reasonably practicable, that:

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

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

19 “(iii) Provide the website address to the translated voters’ pamphlet.

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

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

24 “(h) Such other information as the county clerk considers to be appro-
25 priate or necessary to inform the voters.

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

29 “(3)(a) The name of the county clerk or other filing officer may not appear
30 in the county voters’ pamphlet in the county clerk’s or filing officer’s official

1 capacity if the county clerk or filing officer is a candidate in the election
2 for which the voters' pamphlet is printed.

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

5 **“SECTION 4. The amendments to ORS 251.026, 251.167 and 251.315**
6 **by sections 1 to 3 of this 2023 Act first apply to state voters' pamphlets**
7 **and county voters' pamphlets that are distributed on or after April 30,**
8 **2024.”.**

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