

# Senate Bill 1533

Sponsored by Senators JAMA, MANNING JR, FREDERICK, Representative PHAM K; Senators CAMPOS, DEMBROW, GELSER BLOUIN, GORSEK, HANSELL, MEEK, PATTERSON, PROZANSKI, TAYLOR, Representatives CHAICHI, NGUYEN H, SOSA (Pre-session filed.)

## 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells the SOS to translate the voters' pamphlet into the 10 most common languages used in each county. (Flesch Readability Score: 61.6).

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

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

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; and amending ORS 251.026, 251.167, 251.170, 251.173  
3 and 251.315.

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

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

6 251.167. (1) The Secretary of State shall create and make publicly available a list of:

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

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

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

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

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

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

16 (3) The Secretary of State shall:

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

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

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

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

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

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

4 (B) Each language listed for the county for that county voters' pamphlet by the Secretary of  
 5 State under subsection (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 the county; and

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

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

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

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

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

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

24 (5) The Secretary of State:

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

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

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

28 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for  
 29 the state primary election, the general election and any special election described in ORS 251.022  
 30 a statement containing, if applicable:

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

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

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

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

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

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

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

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

45 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in

1 that language; and

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

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

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

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

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

8 (b) Voter registration forms.

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

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

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

15 **SECTION 3.** ORS 251.170 is amended to read:

16 251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required un-  
17 der ORS 251.167 shall be made in the manner described in this section.

18 (2) For each state voters' pamphlet and county voters' pamphlet mailed to residents of a county,  
19 the Secretary of State shall have the following portions of the voters' pamphlet professionally  
20 translated into each language for which a translation is required under ORS 251.167:

21 (a) Any official statement or communication made by the Secretary of State, county clerk, filing  
22 office or other public elections official, including any information described in ORS 251.026 or  
23 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,  
24 how to cast a ballot and key dates for the election;

25 (b) The ballot title for each measure;

26 (c) The explanatory statement for each measure;

27 (d) The financial estimate for each measure and any statement prepared for a measure under  
28 ORS 250.125;

29 (e) Any racial and ethnic impact statement prepared for a measure under ORS 137.685;

30 (f) Any statement submitted for a measure by a citizen panel under ORS 250.141; and

31 (g) Except an argument for a measure prepared by the Legislative Assembly under ORS 251.245,  
32 any other statement for a measure created by a public body as defined in ORS 174.109.

33 (3) In addition to the materials that the Secretary of State is required to have professionally  
34 translated under subsection (2) of this section, the Secretary of State shall allow to be included in  
35 the translated version of each state voters' pamphlet that is made available on the website of the  
36 Secretary of State or of a county under ORS 251.167:

37 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:

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

39 (B) The translation is filed by a candidate or the principal campaign committee of a candidate  
40 described in subparagraph (A) of this paragraph;

41 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected  
42 under ORS 251.055;

43 (D) The candidate statement meets the requirements of a candidate statement set forth in this  
44 chapter; and

45 (E) Any translation filed under this paragraph is in one of the [*five*] **10** most commonly spoken

1 languages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

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

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

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

8 (C) The statement in support of or in opposition to a state measure meets the requirements of  
9 a statement in support of or in opposition to a state measure set forth in this chapter; and

10 (D) Any translation filed under this paragraph is in one of the [*five*] **10** most commonly spoken  
11 languages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

12 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS  
13 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-  
14 graph is in one of the [*five*] **10** most commonly spoken languages in this state, other than English,  
15 as listed by the Secretary of State under ORS 251.167.

16 (4)(a) A translation that is permitted or required under this section is not required to be iden-  
17 tical in words to the original version but must be consistent with the meaning of the original ver-  
18 sion.

19 (b) A translation is not subject to any limitations on the number of words allowed set forth in  
20 this chapter.

21 (5) A county may at its own expense make or accept for publication on the county’s website,  
22 as part of a translated voters’ pamphlet required under ORS 251.167, any portion of a state or  
23 county voters’ pamphlet that is not described in this section.

24 (6) The Secretary of State:

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

26 (b) Except as provided in subsection (5) of this section, is responsible for all costs necessary to  
27 comply with this section.

28 (7) As used in this section, “statewide office” means Governor, Secretary of State, State Treas-  
29 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, or judge on the  
30 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

31 **SECTION 4.** ORS 251.173 is amended to read:

32 251.173. (1)(a) The Translation Advisory Council is established. The council shall consist of five  
33 at-large members and at least one translator member for each of the [*five*] **10** most commonly spoken  
34 languages in this state, other than English, and for each language in each county that the Secretary  
35 of State reasonably anticipates a voters’ pamphlet at the next election will be required to be trans-  
36 lated into under ORS 251.167. The secretary may appoint more than one translator member for  
37 languages that are more commonly spoken throughout this state. Members shall be appointed by  
38 and serve at the pleasure of the secretary.

39 (b) The term of a member of the council is two years. A member may be reappointed twice and  
40 may not serve more than a total of six years. Before the expiration of the term of a member, the  
41 Secretary of State shall appoint a successor or reappoint the member. If there is a vacancy for any  
42 cause, the secretary shall make an appointment to be immediately effective.

43 (c) The Secretary of State shall ensure, to the extent practicable, that members appointed to the  
44 council are geographically diverse and reside in counties throughout this state. Prior to appointing  
45 each translator member, the secretary shall confer with, and seek recommendations from, the board

1 of county commissioners for each county in which the secretary reasonably anticipates a voters'  
2 pamphlet will be required to be translated into the language for which the translator member is  
3 appointed.

4 (d) To qualify to be appointed as a translator member, a translator member must be proficient  
5 in reading and writing in English and in the translated language for which the translator member  
6 is appointed. A translator member may demonstrate proficiency by providing:

7 (A) Proof of being certified as an interpreter by a public body of this state for the translated  
8 language;

9 (B) Proof of holding a bachelor's degree or higher in the translated language;

10 (C) At least one example of a written translation of the translated language that the translator  
11 member conducted as part of the translator member's job duties or contracted services; or

12 (D) Proof of volunteer experience in translating the translated language with a nonprofit or-  
13 ganization, educational institution, social service agency or public body.

14 (2)(a) Members of the council shall elect at least one chairperson of the council but may elect  
15 two co-chairpersons of the council.

16 (b) A majority of the members of the council constitutes a quorum for the transaction of busi-  
17 ness.

18 (c) The council shall meet at least once every calendar year. To the extent practicable, the  
19 council shall meet by telephone or video conference but may meet in person.

20 (d) The members of the council are entitled to compensation and expenses in the manner and  
21 amounts provided for in ORS 292.495.

22 (e) The Secretary of State shall provide clerical and other necessary support services to the  
23 council.

24 (3) The Secretary of State shall consult with the council and to the maximum extent practicable  
25 implement recommendations for ensuring that a translation of a voters' pamphlet required under  
26 ORS 251.167 is:

27 (a) Conducted with professionalism and by a clear process with review;

28 (b) Culturally responsive and based in the context of a particular community being served by  
29 the translation;

30 (c) As accurate in context and sentence structure as the original version; and

31 (d) Held to the same standards as, but not subject to a higher scrutiny than, the original version.

32 **SECTION 5.** ORS 251.315 is amended to read:

33 251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall  
34 include, when applicable, at least the following information:

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

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

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

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

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

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

44 (g)(A) Statements in the information section of the voters' pamphlet on the pages immediately  
45 following the page containing the Secretary of State letter, to the extent reasonably practicable,

1 that:

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

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

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

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

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

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

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

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

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

18 **SECTION 6. The amendments to ORS 251.026, 251.167, 251.170, 251.173 and 251.315 by**  
19 **sections 1 to 5 of this 2024 Act first apply to state voters' pamphlets and county voters'**  
20 **pamphlets that are distributed on or after January 31, 2025.**

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