

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 806
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

An obscure provision of the Election Code requires interpreters helping an individual cast a ballot to be registered to vote in the same county in which they are providing help. Millions of Texans speak languages other than English and may require translators in order to assist them at the polls.

In August of 2017, the 5th Circuit Court of Appeals found that the provision violated the federal Voting Rights Act. In its decision, the court wrote, "It should go without saying that a state cannot restrict this federally guaranteed right [to the act of casting a ballot] by enacting a statute tracking its language, then defining terms more restrictively than as federally defined."

While counties are currently required to provide electoral materials in Spanish, there is no requirement for any other language. Almost 26 percent of Texas households that speak languages originating in Asia or the Pacific Islands are considered limited English-speaking households. Without a translator, these voters cannot properly cast an informed vote.

S.B. 806 codifies the 5th Circuit Court of Appeals decision by allowing voters to select an interpreter, with reasonable restrictions, and reduces the restrictions on interpreters selected by an election officer. As a result, the Election Code will be updated to reflect the 5th Circuit's decision in *OCA Greater Houston v. Texas* (2017). (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 806 amends current law relating to eligibility to serve as an interpreter in an election.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.032, Election Code, as follows:

Sec. 61.032. INTERPRETER PERMITTED. Authorizes the voter, if an election officer who attempts to communicate with a voter does not understand the language used by the voter, to communicate through an interpreter selected by the voter, or, if the voter has not selected an interpreter, any interpreter an election officer may appoint.

SECTION 2. Amends Section 61.033, Election Code, as follows:

Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER. Provides that, to be eligible to serve as an interpreter, a person:

- (1) if selected by the voter, may be any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; or

(2) if appointed to serve as an interpreter by an election officer, must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

SECTION 3. Amends Section 61.034, Election Code, as follows:

Sec. 61.034. TRANSLATING BALLOT. Authorizes a voter, if the voter cannot comprehend the language in which the ballot is printed, to receive assistance in accordance with Subchapter B (Assisting Voter), Chapter 64. Deletes existing text authorizing an interpreter, if a voter cannot comprehend the language in which the ballot is printed, to accompany the voter to the voting station for the purpose of translating the ballot to the voter.

SECTION 4. Amends Section 61.035, Election Code, as follows:

Sec. 61.035. OATH. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires a person who will be providing ballot assistance under Section 61.034 to also take the oath required by Subchapter B, Chapter 64, and meet all other requirements of that subchapter.

SECTION 5. Effective date: upon passage or September 1, 2019.