

SUBJECT: Requiring the SOS to prepare certain translations of election materials

COMMITTEE: Elections — favorable, without amendment

VOTE: 9 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Farias, Isaac, P. King, Veasey

0 nays

WITNESSES: For — George Hammerlein, Ed Johnson, Harris County Clerk's Office; Craig Pardue, Dallas County; (*Registered, but did not testify:* Brent Connett, Texas Conservative Coalition; Jessica Gomez, Disability Rights Texas; Cheryl Johnson, Sheryl Swift, Galveston County Tax Office; Don Lee, Texas Conference of Urban Counties; Sonia Santana, ACLU of Texas; Stewart Snider, League of Women Voters of Texas; Skipper Wallace, Texas Republican County Chairmen's Association)

Against — None

On — Ann McGeehan, Elizabeth Hanshaw Winn, Office of the Secretary of State

BACKGROUND: The federal Voting Rights Act, in 42 U.S.C. sec. 1973aa-1a, establishes requirements for bilingual elections, including the conditions under which a state or political subdivision must provide bilingual voting materials. A political subdivision must provide voting materials in the language of a minority group if the director of the census determines that more than either 5 percent or 10,000 of the voting age citizens are limited-English proficient members of a language minority group and that the language minority group's illiteracy rate is higher than the national illiteracy rate. A person of Spanish heritage is considered a member of a language minority group, as is a person who is Asian American, American Indian, or Alaskan Native.

Election Code, ch. 272 establishes similar requirements for Texas election precincts to satisfy the requirements of the Voting Rights Act, but only in relation to Spanish-language voting materials and citizens of Spanish heritage. Sec. 272.007 requires the secretary of state (SOS) to prepare a Spanish translation of election materials. The chapter was originally

written in 1985 by the 69th Legislature and contains no requirements for any languages other than Spanish and English, such as Vietnamese or Mandarin Chinese.

DIGEST: HB 2477 would require the SOS to prepare translations of election materials in languages other than English and Spanish if the census director determined under the Voting Rights Act that a political subdivision was required to do so. The SOS would have to prepare these translations to the same extent as for Spanish translations under Election Code, sec. 272.007. The bill would allow the SOS to adopt rules as necessary to implement the bill's provisions.

The bill also would codify the Voting Rights Act requirement that, under the conditions specified, political subdivisions must provide election materials in languages other than English and Spanish, in the same manner that a political subdivision would have to provide materials in Spanish.

The bill would take effect September 1, 2011.

NOTES: The Legislative Budget Board estimates that HB 2477 would require the SOS to prepare Vietnamese and Chinese translations of elections materials at an initial cost of \$132,741 in fiscal 2012 and an ongoing cost of \$25,000 in each odd-numbered year for subsequent changes to the election materials.

The companion bill, SB 1039 by Ellis, was considered in a public hearing on April 4 by the Senate State Affairs Committee and left pending.