

BILL ANALYSIS

Senate Research Center

S.B. 331
By: Johnson
State Affairs
5/31/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Chapter 61, Election Code, voters are permitted to select an interpreter to communicate with elections officials and translate their ballot. To be eligible to serve as an interpreter, a person must be a registered voter in the same county as the voter.

In 2017, the Fifth Circuit Court of Appeals partially upheld a lower court decision in *OCA Greater Houston v. Texas* invalidating Texas's interpreter statute for violating Section 208 of the Voting Rights Act (VRA), which states that a voter may be "given assistance by a person of the voter's choice." By limiting the voter's choice of an interpreter, the court said the statute "impermissibly narrows the right guaranteed by Section 208." A final, revised district court injunction was issued in 2018, compelling election officials not to enforce Election Code, Sections 61.033 and 64.0321.

S.B. 331 brings Texas's interpreter statute in alignment with the court's decision, thus allowing the statute to be enforced and eliminating confusion among elections officials and voters.

S.B. 331 lays out two ways to select an interpreter. The voter may select an interpreter, who may be anyone except a representative of the voter's employer or union (this language tracks Section 208 of the VRA). If the voter does not select an interpreter, an election officer may select a registered voter from the voter's county or an adjacent county to serve. The bill also requires that the interpreter adhere to Chapter 64, Subchapter B, which governs voter assistance.

(Original Author's / Sponsor's Statement of Intent)

S.B. 331 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, to authorize a voter, if the voter has not selected an interpreter and an election officer who attempts to communicate with the voter does not understand the language used by the voter, to communicate through 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) 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; and

(2) if appointed to serve as an interpreter by an election officer, is required to 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 to receive assistance in accordance with Subchapter B (Assisting Voter), Chapter 64 (Voting Procedures), if a voter cannot comprehend the language in which the ballot is printed. Deletes existing text authorizing an interpreter 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 (Translating Ballot), Election Code, to also take the oath required by Subchapter B, Chapter 64, Election Code, and to meet all other requirements of that subchapter. Makes a nonsubstantive change.

SECTION 5. Effective date: upon passage or September 1, 2021.