

SUBJECT: Modifying voter interpreter eligibility and appointment, requiring oaths

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Cain, J. González, Bucy, Clardy, Jetton

2 nays — Schofield, Swanson

2 absent — Beckley, Fierro

SENATE VOTE: On final passage, April 7 — 30-0

WITNESSES: For — (*Registered, but did not testify*: Gerald Welty, Convention of States; Cary Roberts, County and District Clerks' Association of Texas; Jeff Miller, Disability Rights Texas; Daniel Collins, El Paso County; Patricia Zavala, Jolt Action; Cinde Weatherby, League of Women Voters of Texas; Rene Perez, Libertarian Party of Texas; Anne Mazuca, Secure Democracy; Chris Davis, Texas Association of Elections Administrators; Darcy Caballero and Jen Ramos, Texas Democratic Party; Joshua Houston, Texas Impact; Chad Ennis, Texas Public Policy Foundation; Robert L. Green, Travis County Republican Party Election Integrity Committee; Julie Wheeler, Travis County Commissioners Court; and 23 individuals)

Against — Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Henry Bohnert)

On — (*Registered, but did not testify*: Jonathan White, Office of the Attorney General; Christina Adkins and Keith Ingram, Office of the Texas Secretary of State)

BACKGROUND: Election Code sec. 61.032 allows a voter to select an interpreter to communicate with an election officer who does not understand the voter's language. Sec. 61.033 requires an interpreter to be a registered voter of the county in which the voter needing the interpreter resides.

Ch. 64, subch. B. governs the assistance of eligible voters and provides for the manner and extent of assistance. Secs. 64.034 and 61.035 require oaths of individuals selected to provide assistance to a voter or to serve as an interpreter, respectively.

Some have suggested that the statute requiring an interpreter to be a registered voter in the same county in which the voter being assisted resides is out of compliance with a court ruling finding that this requirement violates the Voting Rights Act and have called for state law on the eligibility of ballot interpreters to be aligned with the court decision.

DIGEST:

CSSB 331 would allow an election officer to appoint an interpreter to communicate with a voter if the voter had not selected an interpreter. To be eligible to serve as an interpreter, a person could be any person other than the voter's employer or agent of the voter's employer or an officer or agent of a labor union to which the voter belonged. To be eligible to serve as an interpreter, a person would have to be a registered voter of the county in which the voter needing the interpreter resided, as under current law, or a registered voter of an adjacent county.

The bill would remove the authorization for an interpreter to accompany the voter to the voting station for the purpose of translating the ballot and instead specify that a voter in need of an interpreter could receive assistance in accordance with Election Code ch. 64, subch. B.

A person who provided ballot assistance as an interpreter would have to take the existing oath for interpreters in addition to the oath required under sec. 64.034 and meet all requirements of individuals assisting voters.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.