

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2477
By: Harless (Ellis)
State Affairs
5/12/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In order to comply with the federal Voting Rights Act, Harris County must provide translation of voter registration and ballot materials into Spanish and Vietnamese. As a result of the 2010 Census, the Harris County may also be required to translate election materials into Mandarin Chinese.

Chapter 272 (Bilingual Requirements), Election Code, currently requires the secretary of state (SOS) to prepare a Spanish translation of election materials, including instruction posters, ballots, and materials furnished to voters in connection with early voting by mail.

As counties other than Harris become more diverse and are thus required to provide translated election materials in languages other than English and Spanish, allowing SOS to prepare the translations will ensure consistency across the state so that translations are not different from jurisdiction to jurisdiction.

C.S.H.B. 2477 requires SOS to prepare the translation for election materials required to be provided in a language other than English or Spanish to the same extent that SOS prepares Spanish translations.

C.S.H.B. 2477 amends current law relating to provision of bilingual election materials.

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 142.010, Election Code, by adding Subsection (d) to require the secretary of state (SOS), in conjunction with the certification required under Subsection (a) (relating to certifying in writing for the placement on the ballot the name of each candidate who meets certain criteria), to include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under 42 U.S.C. Section 1973aa-1a.

SECTION 2. Amends Section 161.008, Election Code, by adding Subsection (d) to require SOS, in conjunction with the certification required under Subsection (a) (relating to certifying in writing for the placement on the ballot the name of each candidate nominated at a primary election or convention of a political party), to include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under 42 U.S.C. Section 1973aa-1a.

SECTION 3. Amends Section 192.033, Election Code, by adding Subsection (d) to require SOS, in conjunction with the certification required under Subsection (a) (relating to certifying in writing for the placement on the ballot the names of the candidates for president and vice-president), to include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under 42 U.S.C. Section 1973aa-1a.

SECTION 4. Amends Section 274.003, Election Code, by adding Subsection (d) to require SOS, in conjunction with the certification required under Subsection (a) (relating to certifying in writing for the placement on the ballot a proposed constitutional amendment), to include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under 42 U.S.C. Section 1973aa-1a.

SECTION 5. Amends Chapter 272, Election Code, by adding Section 272.011, as follows:

Sec. 272.011. BILINGUAL ELECTION MATERIALS REQUIRED IN CERTAIN POLITICAL SUBDIVISIONS. (a) Requires a political subdivision, if the director of the census determines under 42 U.S.C. Section 1973aa-1a that the political subdivision is required to provide election materials in a language other than English or Spanish, to provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish under this chapter, to the extent applicable.

(b) Requires SOS to prepare the translation for election materials required to be provided in a language other than English or Spanish for the following state prescribed voter forms:

(1) voter registration application form required by Section 13.002 (Application Required);

(2) the confirmation form required by Section 15.051 (Confirmation Notice);

(3) the voting instruction poster required by Section 62.011 (Instruction Poster);

(4) the statement of residence form required by Section 63.0011 (Statement of Residence Required);

(5) the provisional ballot affidavit required by Section 63.011 (Provisional Voting);

(6) the application for a ballot by mail required by Section 84.011 (Official Application Form);

(7) the carrier envelope and voting instructions required by Section 86.013 (Official Carrier Envelope); and

(8) any other voter forms that SOS identifies as frequently used and for which state resources are otherwise available.

SECTION 6. Effective date: September 1, 2011.