

HOUSE No. 3914

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Michlewitz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the preparation of certain bilingual ballots in the city of Boston.

PETITION OF:

NAME:

Aaron Michlewitz

DISTRICT/ADDRESS:

3rd Suffolk

HOUSE No. 3914

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3914) of Aaron Michlewitz (with the approval of the mayor and city council) relative to the preparation of certain bilingual ballots in the city of Boston. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the preparation of certain bilingual ballots in the city of Boston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this act, the following words shall have the following meanings
2 unless the context requires otherwise:-

3 “board,” the board of election commissioners of the city of Boston.

4 “city,” the city of Boston.

5 “election,” the choice by the voters of any public officer and to the taking of a vote upon
6 any question by law submitted to the voters.

7 “state election,” an election at which a national, state or county officer or a regional
8 district school committee member elected districtwide is to be chosen by the voters, whether for
9 a full term or for the filling of a vacancy.

10 “transliteration,” the translation into the relevant Chinese characters to represent the
11 phonetic equivalent of the syllables of an English name or a name in a language that is not
12 traditionally written using Chinese characters.

13 SECTION 2. Notwithstanding section 40 of chapter 54 of the General Laws or any other
14 general or special law to the contrary, in federal and state elections, the state secretary shall
15 prepare bilingual ballots in English and Chinese and in English and Vietnamese in addition to
16 any other bilingual ballots required by law in the designated polling places within the city as
17 required by section 4.

18 SECTION 3. Notwithstanding the charter of the city or any other general or special law
19 to the contrary, in all city preliminary and final elections the board shall prepare bilingual ballots
20 in English and Chinese and in English and Vietnamese in addition to any other bilingual ballots
21 required by law in the designated polling places within the city as required by section 4.

22 SECTION 4. Bilingual ballots in English and Chinese and in English and Vietnamese
23 shall be provided in each polling place in the city where more than five percent (5%) of citizens
24 of voting age in the precinct are members of that language minority and are limited-English
25 proficient, as determined by the board, or where the substantial need for such ballots is
26 determined by the board, taking into account objective data obtained from the most recent
27 federal census, city records concerning utilization of or requests for bilingual ballots, and any
28 other demographic information available to the board, including the Lauderdale and Kestenbaum
29 list of surnames. The board's determination must be made in recognition of its duty under this
30 act to provide the necessary voter assistance to the city's Chinese and Vietnamese speaking
31 communities. The board shall determine the number of ballots to be provided in each polling
32 place in the city and shall inform the state secretary of the number of the ballots needed prior to
33 each federal and state election by a date specified by the state secretary. Thirty (30) days prior to
34 any primary or election, the board shall inform the city's Election Advisory Committee and any
35 other bona fide non-profit agency or advocacy organization serving the relevant linguistic
36 minority community that has registered with the board for notification, of the numbers of
37 bilingual ballots and the precincts in which they shall be available.

38 SECTION 5. The board in any city preliminary or final election and the state secretary in
39 any federal or state election shall provide for the transliteration of all candidates' names for
40 bilingual ballots in English and Chinese. Each candidate shall be provided with a written copy
41 of the proposed transliteration of that candidate's name. Within seven (7) days after receiving
42 the proposed transliteration of the candidate's name, the candidate may provide written notice to
43 the board or the state secretary, as the case may be, of any modification of the proposed
44 transliteration or a candidate's own name or decline to have the candidate's own name
45 transliterated on the ballot. The transliteration shall be subject to final approval by the board or
46 the state secretary, as the case may be. The board or state secretary shall provide public notice of
47 transliterated names as soon as practicable.

48 SECTION 6. The city shall record the number of bilingual ballots in English and
49 Chinese and in English and Vietnamese that are printed, requested or used in all elections held in
50 the city.

51 SECTION 7. Notwithstanding any general or special law to the contrary, the city in any
52 primary or election shall be responsible for the cost of transliteration and the state secretary shall
53 be responsible for all other costs resulting from the implementation of this act including, without
54 limitation, the production of ballots.

SECTION 8. This act shall take effect upon its passage.