

HOUSE No. 677

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regarding bilingual ballots..

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. Chapter 54 of the General Laws is hereby amended by striking out section
2 40, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:

3 Section 40. All ballots for use in elections of state and federal officers shall be prepared
4 and furnished by the state secretary, and all ballots for use in elections of city or town officers
5 shall be prepared and furnished by the city or town clerk. Ballots for use in an electronic voting
6 system shall be in a form approved by the state secretary under sections thirty-two and thirty-
7 seven.

8 All ballots shall be printed in English, except in those municipalities in which bilingual
9 ballots are required by federal law and section 40A of this chapter where all ballots shall be
10 printed bilingually with the language in which the jurisdiction is covered.

11 SECTION 2. Said chapter 54 is hereby further amended by inserting after section 40, the
12 following section:

13 Section 40A: Bilingual Ballots

Bilingual ballots shall be used in elections as provided by this section.

As used in chapter 54, bilingual ballots shall mean a ballot printed in English and with a printed translation from English into the applicable minority language.

The state secretary may require the use of bilingual ballots in one or more election precincts or a city or town may request authorization from the state secretary to provide bilingual ballots in one or more election precincts. If the state secretary requires the use of bilingual ballots in any part of a city or town, the state secretary shall furnish such bilingual ballots for state and federal elections and the city or town clerk shall furnish such bilingual ballots for municipal elections. Bilingual ballots shall be limited to those language minorities set forth in Section 203(e) of the Voting Rights Act, 42 U.S.C. 1973aa-1a.

The state secretary may require the use of bilingual ballots and a request for authorization to use bilingual ballots will only be considered for a precinct(s) and/or municipality in which 5 percent or more of the U.S. citizens are persons of the same language minority according to the most recent federal decennial census.

A request for authorization to print and furnish bilingual ballots must include a written certification from the local election official, with approval of the governing body, that the municipality qualifies for bilingual ballots and that the municipality fully understands their responsibilities, including expenses, associated with the request, a written summary of the official census information and a certified copy of the resolution or other official action showing the governing body's approval of the request.

A precinct or municipality which receives authorization under this section to print and furnish bilingual ballots shall continue to print and furnish bilingual ballots until the municipality

36 files a written request with the state secretary to discontinue printing and furnishing bilingual
37 ballots or until such time as the precinct boundaries change, in which case the municipality
38 would have to request authorization once again. Any request for discontinuance is subject to the
39 approval of the state secretary.

40 The state secretary shall promulgate regulations to implement this section.