



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ELECTIONS

John Arntz, Director

Memorandum

To: Honorable Connie Chan, Member, San Francisco Board of Supervisors
From: John Arntz, Director
Date: November 27, 2023
RE: Department of Elections' Processes Associated with Non-Character-Based Language Names, and a Comparison with California Assembly Bill No. 57 (Low)

This memorandum is in response to Supervisor Chan's inquiry regarding the Department of Elections' (Department) "process of reviewing and approving submitted translations of non-character-based language names for use on San Francisco ballots, and a comparison with the requirements set forth in California Assembly Bill No. 57 (Low)."

The Department's process for reviewing and approving non-character-based language names for local offices follows San Francisco Municipal Elections Code Section 401 (Attachment 1). For names requested by candidates filing for state and federal offices, the California Secretary of State follows the requirements set by California Assembly Bill No. 57, which is now codified as California Elections Code Section 13211.7 (Attachment 2).

The primary difference between the two laws is the MEC does not stipulate any timeframe regarding candidates' usage of a non-character-based language name. The state statute requires candidates to substantiate that their requested names have been in use for two years or more.

Both the Department (Attachment 3) and the SOS (Attachment 4) provide forms to candidates to indicate a non-character-language name or transliteration. Both forms require candidates to provide documents to substantiate the names or transliterations.

Neither Municipal Elections Code (MEC) Section 401, nor California Elections Code (CAEC) Section 13211.7 prescribe specific documents that candidates must provide. MEC Section 410 indicates that "(a) candidate may submit documentary evidence demonstrating established use of a particular translation or transliteration of his or her name . . ." CAEC Section 13211.7 indicates that a "(a) candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate to the local officials that the candidate has been known and identified within the public sphere by that name over the past two years, may use that name instead of a phonetic transliteration."

When candidates submit a name in a non-character-based language, the Department reviews the provided documentation which can include birth certificates, government documents, newspaper articles, information on how a candidate is referred to in the community, and any other documents the candidates consider as

supporting the use of the submitted name on a ballot. The Department reviews all documents to determine if the information sufficiently demonstrates an "established use" of the name. If the Department considers the documentation insufficiently supports the use of a name or transliteration, the Department requests a transliteration of the name from certified translators that will instead appear on the ballot.

In addition to reviewing documentation provided by candidates, the Department, with input from certified translators, considers if a submitted name conveys subjective qualities about a candidate beyond stating a name for voters who rely on character-based information. Also, all rules for placing candidate names on ballots also applies to any character-based names that candidates might submit such as the disallowance of using titles or educational degrees.

Attachment 5 represents the Department's processes related to character-based names from the candidates' submission of documents to when the Department would approve a name for placement on a ballot. Attachment 5 demonstrates the Department's approach not only to submitted names, but also transliterated names provided by candidates.

I will be glad to answer any additional questions.

Enclosures:

1. Attachment 1, San Francisco Municipal Code Section 401, regarding candidate names appearing in Chinese characters.
2. Attachment 2, California Elections Code Section 13211.7, regarding character-based names appearing on the ballot.
3. Attachment 3, Department form for candidates to indicate if they are requesting a character-based name to appear on the ballot for local offices.
4. Attachment 4, SOS form for statewide candidates to indicate they are requesting a character-based name to appear on the ballot for state and federal offices.
5. Attachment 5, Department procedures associated with character-based names.

CC: Office of the Clerk of the Board of Supervisors
Kelly Groth, Legislative Aide to Supervisor Chan

SEC. 401. CANDIDATES' NAMES APPEARING IN CHINESE CHARACTERS.

(a) The names of candidates for local, state and federal office shall appear on all official ballots, including polling place ballots and absentee ballots, and all sample ballots in Chinese characters as well as in English or any other languages required by law or selected by the Director of Elections.

(b) For purposes of this Section:

(1) "Translation" shall mean the selection of Chinese characters to represent the parts of a Chinese name, or a name in any other language that traditionally is written using Chinese characters.

(2) "Transliteration" shall mean the selection of Chinese characters to represent the phonetic equivalent of the syllables of an English name, or a name in any other language that is not traditionally written using Chinese characters.

(c) The Director of Elections shall cause a translation or transliteration of the names of all candidates to be prepared by a qualified Chinese-language interpreter according to generally-accepted professional standards. A candidate may submit documentary evidence demonstrating established use of a particular translation or transliteration of his or her name to assist the interpreter, but the Director of Elections' decision to accept the translation or transliteration of a candidate's name submitted by the Department's interpreter shall be final. Translated or transliterated names accepted by the Director shall be available for public review for ten days, and the Director's decision may be challenged pursuant to California Elections Code Section 13313.

(Added by Ord. 233-99, File No. 991282, App. 8/20/99)

DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS

13211.7.

(a) (1) In jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503), as that section may be amended from time to time, any ballot that provides a translation of a candidate's name shall contain a phonetic transliteration of the candidate's name, except as provided in subdivision (b).

(2) This section applies only to character-based languages, including, but not limited to, Mandarin Chinese, Cantonese, Japanese, and Korean.

(3) If a candidate's name is to appear on the ballot in more than one jurisdiction in an election, all of those jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) shall use the same phonetic transliteration or character-based translation of the name.

(4) (A) In a jurisdiction in which separate ballots containing translations of the candidates' names are printed in different languages, both the alphabet-based names and the translations of the candidates' names, for candidates that have translated names, shall appear on the translated ballot.

(B) If a jurisdiction is unable to comply with subparagraph (A) due to limitations of its existing voting system, any new voting system purchased by the jurisdiction after July 1, 2020, shall be able to accommodate the requirements of subparagraph (A).

(b) If a candidate has a character-based name by birth, that can be verified by birth certificate or other valid identification, the candidate may use that name on the ballot instead of a phonetic transliteration. A candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate to the local elections official that the candidate has been known and identified within the public sphere by that name over the past two years, may use that name instead of a phonetic transliteration.

(Added by Stats. 2019, Ch. 82, Sec. 1. (AB 57) Effective January 1, 2020.)



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DEPARTMENT OF ELECTIONS

John Arntz, Director

Chinese Characters Form
 SF MEC §401

Official Filing Form
County Elections Official
By: _____
Date Issued: _____

Candidate Name and Office	1	Candidate Name: _____ Office: _____
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Name in Chinese Characters	2	<p>The names of candidates appear on the official ballot in traditional Chinese characters as well as in English. The Department of Elections can provide this transliteration or translation for candidates for local office, or the candidate may provide documentation of established use of a name in Chinese. If a candidate has a character-based name by birth, that can be verified by birth certificate or other valid identification, the candidate may use that name on the ballot instead of a phonetic transliteration.</p> <p>A candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can credibly demonstrate that they have been known and identified within the public sphere by that name, may use that name instead of a phonetic transliteration. The California Secretary of State provides Chinese transliterations for candidates running for state and federal offices.</p> <p>Check one option:</p> <p><input type="checkbox"/> I request that the Department of Elections, working with a qualified Chinese-language translator, provide a Chinese transliteration or translation of my name for all materials where it is legally required.</p> <p><input type="checkbox"/> I am providing documentation of established use of a particular Chinese transliteration or translation of my name for the Department to review. I understand that the Department's decision whether to accept a proposed transliteration or translation is final.</p>
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California Secretary of State
STATEWIDE CANDIDATE: CHARACTER-BASED NAME FORM
 (Elections Code § 13211.7)

Attachment 5

Attachment 4

Statewide
 Candidate
 Name,
 Character-
 based name
 and language,
 and Office

1

Candidate Name: _____

Character-based Name: _____

Character-based Language: _____

Office: _____

Character-
 based name
 Attach
 supporting
 documents

2

Check one box below and attach supporting documents

- I would like to use a character-based name given by birth (please provide a birth certificate or valid identification for verification). *Attach supporting documentation and provide a description:*

- I do not have a character-based name by birth, but I identify by a particular character-based name (please provide proof you have been known and identified within the public by that character-based name for the past two years). *Attach supporting documentation and provide a description:*

Dated this _____ day of _____, 20_____

X

Signature of Candidate

This form is for use by statewide candidates only. For your reference, attached is [Elections Code section 13211.7](#).

Background on Chinese names for candidates, from Candidate Guide:

Each candidate's name will appear on the ballot in Chinese characters, as well as in English. Candidates may, but are not required to, submit a proposed translated or transliterated Chinese name. Please note that the Department uses traditional Chinese characters, rather than simplified. If a candidate does not submit a proposed Chinese name, the Department's translation vendor will prepare a transliteration of the candidate's name.

The Director of Elections determines whether to accept a candidate's proposed Chinese name based on:

- a. Any information submitted by the candidate regarding established use of the proposed name
- b. Information regarding how the Chinese community refers to the candidate at community meetings or in the media
- c. Whether or not a proposed translation or transliteration has another meaning in the Chinese language
- d. Any other information the Director deems relevant in order to prevent voter confusion

The Director of Elections' determination whether to accept a candidate's proposed Chinese name shall be final. The submitted or transliterated Chinese names of all candidates for local office are available for public review and possible legal challenge for ten calendar days.

Procedures:

A. If the candidate requested a Chinese name:

1. Review the request Chinese names against the criteria above.
 - a. If the name does not seem to meet the criteria, or if it seems to give a candidate a subjective preference over another candidate, discuss the possible issue with your supervisor
 - b. Make sure that they requested name does not include a title such as ""Doctor" or "Professor" (sometimes candidates submit business cards that might include titles along with their names in Chinese). If there is a title, Campaign Services will advise the candidate that we will delete the title and use the name, if it is acceptable).
2. If the name is acceptable, enter the requested Chinese name into EIMS (see below)

B. If the candidate did not request a Chinese name:

1. Check whether we have a Chinese transliteration of the name in our records (a transliteration is a phonetic representation of the candidate's name in the corresponding Chinese characters):

a. How to tell if a Chinese name is a transliteration

1. If a Chinese name has dots separating the first and last names or if there is an initial, it is a transliteration

加文 · 紐森

丹尼斯 · J · 赫雷拉

2. If a Chinese name does not have dots separating the first and last names, it may or may not be a transliteration. Check with a colleague who reads Chinese.
 - a. If it is a Chinese transliteration, we will use it, but it must match the candidate's ballot name for this election (in other words, if the name in English has a middle name or initial, the transliteration must also include the middle name or initial).
 - b. If it is a Chinese name (*not* a transliteration), we can use this name only if the candidate has requested it in writing for this election or it appears on the Chinese version of the Secretary of State's certified list of candidates

- b. **Where to look for a previous Chinese transliteration of a candidate's name:**
 - i. If the candidate is an incumbent, check the Chinese name used on the ballot when the candidate ran for the office. If it was a transliteration, use this.
 - ii. Check the Candidate database to see whether we have a transliteration on file. If so, use this.
- b. If we have a previous Chinese transliteration of the candidate's name, enter the transliteration into EIMS (see below)
- c. If we do not have a transliteration on file, we will request that the translation vendor provide one.