

File No. 231119

Committee Item No. \_\_\_\_\_

Board Item No. 25

# COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 31, 2023

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- Assembly Bill No. 57 - 7/12/19
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- \_\_\_\_\_
- \_\_\_\_\_
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Prepared by: Lisa Lew

Date: October 27, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Urging Report on Implementation of Assembly Bill No. 57 - Names of Candidates]

2

3 **Resolution urging the San Francisco Department of Elections to report back on the**  
4 **implementation of Assembly Bill No. 57 (Low) for the 2024 elections.**

5

6 WHEREAS, Assembly Member Evan Low passed Assembly Bill No. 57 (AB 57) in  
7 2019, which allows candidates with birth names in character-based languages, such as  
8 Chinese, Japanese, and Korean, to use those names in voter requested translated ballots;  
9 and

10 WHEREAS, Candidates that do not have a character-based name by birth must use  
11 phonetic translation but may use particular character-based names if they can demonstrate  
12 that they have been publicly known by and identified by that name over the past two years;  
13 and

14 WHEREAS, The San Francisco Elections Department, in Municipal Elections Code,  
15 Section 401, requires documentary evidence demonstrating established use of a particular  
16 translation or transliteration of candidate names, but the Director of Elections has the final  
17 decision on which translation shall be final; and

18 WHEREAS, The San Francisco Elections Department has insisted that AB 57 does not  
19 apply to city's local races, forgoing the requirement that candidates prove the two-year  
20 established use and verification; and

21 WHEREAS, The 2024 primary and general elections in San Francisco will feature an  
22 unprecedented number of local candidates seeking office on the ballot, many of whom will be  
23 submitting self-selected translated names; and

24 WHEREAS, The 2024 presidential primary and general elections are anticipated to be  
25 high turnout elections, which means there will be an increase in requests for in-language

1 ballots including Chinese, and it is important to ensure voters have correct information on the  
2 ballots and voter information pamphlets; now, therefore, be it

3 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
4 urges the San Francisco Department of Elections report back to the Board of Supervisors on  
5 its implementation of AB 57 for the 2024 elections by the end of November 2023.

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## AB-57 Elections: names of candidates. (2019-2020)

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Date Published: 07/15/2019 09:00 PM

### Assembly Bill No. 57

#### CHAPTER 82

An act to add Section 13211.7 to the Elections Code, relating to elections.

[ Approved by Governor July 12, 2019. Filed with Secretary of State July 12, 2019. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 57, Low. Elections: names of candidates.

Existing law requires the translation of ballots and ballot materials into languages other than English when specified circumstances exist.

This bill would require that, if a jurisdiction provides a translation of the candidates' alphabet-based names into a character-based language, such as Chinese, Japanese, or Korean, phonetic transliterations of the alphabet-based names of candidates be provided. The bill would also require, if a candidate's name is to appear on the ballot in more than one jurisdiction in an election, all of those jurisdictions providing translated ballots and ballot materials to use the same phonetic transliteration or character-based translation of the name.

This bill would provide an exception for a candidate who has a character-based name by birth or has verifiably been known by a character-based name for at least 2 years to permit the candidate to use that name on the ballot instead of a phonetic transliteration.

This bill would require that, if a jurisdiction provides separate ballots containing translations of the candidates' names in different languages, both the alphabet-based names and the translations of the candidates' names appear on the translated ballot.

This bill would also require a county to purchase voting equipment that permits compliance with this section as a part of any new purchase of voting equipment.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 13211.7 is added to the Elections Code, to read:

**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.

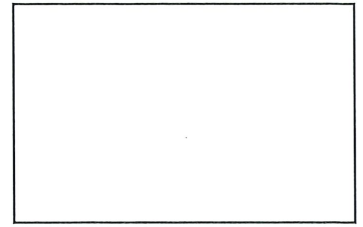
(B) If a jurisdiction is unable to comply with subparagraph (A) due to limitations of its existing voting system, any new voting system purchased by the jurisdiction after July 1, 2020, shall be able to accommodate the requirements of subparagraph (A).

(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.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [ ] inquires..."
- 5. City Attorney Request
- 6. Call File No. [ ] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission       Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Chan; Walton, Ronen

Subject:

Requesting Report on Implementation of Assembly Bill No. 57 – Names of Candidates

Long Title or text listed:

Resolution requesting the San Francisco Department of Elections to report back on the implementation of Assembly Bill 57 (Low) for the 2024 elections.

Signature of Sponsoring Supervisor: [ ]