

File No. 240397

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date June 10, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date June 6, 2024

Completed by: _____

Date _____

1 [Municipal Elections Code - Candidates' Chinese Character-Based Names on Ballots]

2

3 **Ordinance amending the Municipal Elections Code to update the qualifications and**
4 **procedures for the translation or transliteration of the names of candidates for local**
5 **office into Chinese character-based names to appear on the ballot.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

10

11 Be it ordained by the People of the City and County of San Francisco:

12

13 Section 1. Background and Findings.

14 (a) In Assembly Bill 57 (2019), the Legislature created rules concerning how the
15 names of candidates for office are translated and may appear in character-based languages
16 on the ballot for some jurisdictions that must provide such translated names. Codified in
17 Section 13211.7 of the California Elections Code, the bill provides that a candidate who has a
18 character-based name by birth that can be verified by a birth certificate or other valid
19 identification may use that name on the ballot. Alternatively, a candidate who identifies by a
20 particular character-based name may use the name on the ballot if the candidate can
21 demonstrate that the candidate has been known by the name in the public sphere for the
22 preceding two years. Otherwise, the candidate's character-based name must be a phonetic
23 transliteration of their name in a non-character-based language.

24 (b) Section 401 of the Municipal Elections Code governs how Chinese character-
25 based names appear on the ballot in San Francisco for local elective offices. Section 401

1 provides that the Director of Elections will cause a translation or transliteration of the
2 candidate's non-character-based name into Chinese character-based to be prepared by an
3 interpreter. A candidate may submit documentary evidence demonstrating establishment of a
4 particular translation or transliteration to assist the interpreter. Section 401 does not define
5 what constitutes establishment of a particular translation or transliteration or set any time
6 period that the candidate must show they have used the name.

7 (c) On October 25, 2023, the Clerk of the Board of Supervisors provided the
8 Department of Elections an inquiry from Supervisor Chan requesting the Department report
9 on processes associated with "reviewing and approving submitted translations of non-
10 character-based language names for use on San Francisco ballots, and a comparison with
11 the requirements set forth in California Assembly Bill No. 57 (Low)." The Department
12 responded on November 27, 2023.

13 (d) On November 10, 2023, the Board of Supervisors enacted Resolution No. 526-
14 23, (File No. 231119), urging the Department of Elections to report on its implementation of
15 Assembly Bill 57. On November 29, 2023, the Department of Elections responded to the
16 Board of Supervisors. The Department noted that Section 401 does not require a candidate
17 wishing to use a particular name to show they have been known by the name for any specific
18 period of time to satisfy the requirement that the name be established. The Department
19 further stated that to resolve ambiguity with the interpretation of the word "established" in
20 Section 401 it would adopt a policy setting a reasonable standard that candidates
21 demonstrate use of the requested translation or transliteration for at least two years before
22 filing nomination papers. The Department stated that it would introduce an ordinance to
23 codify this policy so that Section 401 more closely aligns with California Elections Code
24 Section 13211.7.

1 (e) The Board of Supervisors finds that it is in the public interest to clarify the rules
2 regarding the appearance of candidates' Chinese character-based names on the ballot and to
3 more closely align the requirements with state law.

4
5 Section 2. Article IV of the Municipal Elections Code is hereby amended by revising
6 Section 401, to read as follows:

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

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

12 (b) For purposes of this Section 401:

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

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

19 (c) During the period for filing nomination papers under Municipal Elections Code Section
20 205, the Department shall review requests from potential candidates regarding Chinese character-
21 based names under this Section 401.

22 (d) Except as provided in subsection (e), the Director of Elections shall cause a translation
23 or transliteration of the names of all candidates for City elective office and for seats on political
24 party county councils and county central committees to be prepared by a qualified Chinese-
25 language interpreter according to generally-accepted professional standards. A candidate

1 may submit documentary evidence demonstrating established use of a particular translation
2 or transliteration of ~~his or her~~ the candidate's name to assist the interpreter. If the candidate
3 wishes to use a particular name based on established use of the name, the documentary evidence the
4 candidate submits must show that the candidate has been known within the public sphere by the name
5 during the two years prior to filing nomination papers. A translated or transliterated name must be
6 comprised of characters that are neutral in meaning and may not include characters that convey
7 characteristics or qualities of the candidate that are intended to influence the voters.

8 ~~, but the Director of Elections' decision to accept the translation or transliteration of a~~
9 ~~candidate's name submitted by the Department's interpreter shall be final. Translated or transliterated~~
10 ~~names accepted by the Director shall be available for public review for ten days, and the Director's~~
11 ~~decision may be challenged pursuant to California Elections Code Section 13313.~~

12 (e) Chinese Character-Based Names Given at Birth.

13 (1) If a candidate was given a Chinese character-based name at birth, the candidate
14 may submit a birth certificate or other valid identification to verify the name.

15 (2) A candidate who was given a Chinese-character based name at birth but cannot
16 provide a birth certificate or other valid identification may submit a declaration signed by a family
17 member under the penalty of perjury that affirms the candidate was given the Chinese-character based
18 name at birth. If the candidate is unable to obtain such declaration from a family member, the
19 candidate may submit their own declaration under penalty of perjury affirming that they received the
20 Chinese-character based name at birth, that they do not have a birth certificate or other identification
21 verifying the name, and that they are unable to obtain a declaration from a family member.

22 (f) The Director's decision to accept the translation or transliteration of a candidate's name
23 submitted by the Department's interpreter under subsection (d) or to accept a candidate's submission
24 of a Chinese character-based name given at birth under subsection (e) shall be final. Chinese
25 character-based names accepted by the Director shall be available for public review for ten days under

1 California Elections Code Section 13313, and the Director’s decision may be challenged pursuant to
2 that section. Only following the ten-day public examination period will any names be considered final.

3
4 Section 3. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor’s veto of the ordinance.

8
9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the “Note” that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/ Bradley A. Russi
19 BRADLEY A. RUSSI
20 Deputy City Attorney

21 n:\legana\as2024\2400312\01750738.docx

LEGISLATIVE DIGEST

[Municipal Elections Code - Candidates' Chinese Character-Based Names on Ballots]

Ordinance amending the Municipal Elections Code to update the qualifications and procedures for the translation or transliteration of the names of candidates for local office into Chinese character-based names to appear on the ballot.

Existing Law

Existing local law requires that the names of candidates for City elective office appear on the ballot in Chinese characters. The Director of Elections must cause a translation or a transliteration of the candidate's name to be created by a qualified Chinese-language interpreter. The candidate may submit documentary evidence demonstrating established use of a particular translated or transliterated name. Existing law does not further define what constitutes "established" use of a particular name. The Department of Elections also applies these requirements to candidates for political party central committees and councils.

Under Department of Elections policy, a translated name must be comprised of neutral characters that do not convey characteristics on the candidate that are intended to influence the voters. The Department review requests for Chinese character names during the nomination period for each office prior to the election.

Amendments to Current Law

The proposed ordinance would modify the process for candidates for City elective office and candidates for political party central committees and councils to obtain a Chinese character name as follows:


- Candidates who do not have a Chinese character name given at birth may submit documentary evidence showing established use of a particular name. The evidence must show that the candidate has been known by the name in the public sphere during the preceding two years.
- Candidates who were given a Chinese character name at birth may submit a birth certificate or identification verifying the name, a declaration of a family member attesting to the name if they do not have a birth certificate or identification, or their own declaration attesting to the name if they are unable to obtain a declaration from a family member.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: November 17, 2023
To: John Arntz, Director
From:  Angela Calvillo, Clerk of the Board, Board of Supervisors
Subject: Urging Report on Implementation of Assembly Bill No. 57 - Names of Candidates (File No. 231119)

On October 31, 2023, the Board of Supervisors adopted Resolution No. 526-23, sponsored by Supervisor Connie Chan (File No. 231119, Urging Report on Implementation of Assembly Bill No. 57 - Names of Candidates); and enacted on November 10, 2023.

Please find the attached courtesy copy of the Resolution for your office's information and consideration.

If you have any questions or concerns, please contact the Office of the Clerk of the Board at (415) 554-5184.

c: Members of the Board of Supervisors; Supervisors Connie Chan,
Shamann Walton, Hillary Ronen
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office

FILE NO. 231119

RESOLUTION NO. 526-23

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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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 231119

Date Passed: October 31, 2023

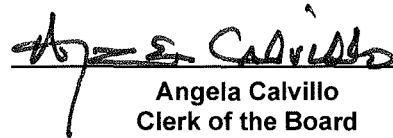
Resolution urging the San Francisco Department of Elections to report back on the implementation of Assembly Bill No. 57 (Low) for the 2024 elections.

October 31, 2023 Board of Supervisors - ADOPTED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai, Stefani and Walton
Excused: 1 - Preston

File No. 231119

I hereby certify that the foregoing Resolution was ADOPTED on 10/31/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

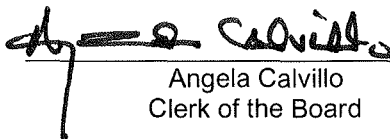
Unsigned

London N. Breed
Mayor

11/10/2023

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

11/10/2023

Date



Supplemental Form
Chinese-Characters-Based Name
(SF MEC § 401)

Official Filing Form

Declaration of Family Member Affirming Candidate’s Use of a Chinese-Character-Based Name Since Birth

Declaration of Family Member

Use this form if you are a candidate who requires a family member to declare that you received a Chinese-character-based name at birth, and you cannot provide other documentation supporting your use of this name.

The character-based name must be provided using traditional Chinese characters.

County Elections Official
By: _____
Date Issued: _____

Declaration	<p>My name is _____ and my relation to _____</p> <p style="margin-left: 150px;"><small>Print Name</small> <small>Print Candidate Name</small></p> <p>is _____.</p> <p style="margin-left: 150px;"><small>State Family Relationship</small></p> <p>1. Based on personal knowledge I, solemnly swear (or affirm) that the candidate has been known, since birth, by the following Chinese-character-based name:</p> <p style="margin-left: 350px;">_____.</p> <p style="margin-left: 350px;"><small>Print Chinese-Character-Based Name</small></p> <p>2. I have no documentation to support this statement.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Dated this _____ day of _____, 2023</p>
	<p>X</p> <p>Signature of Declarant Family Member</p>



Supplemental Form
Chinese-Characters-Based Name
(SF MEC § 401)

Official Filing Form

Self-Declaration Affirming Candidate's Use of a Chinese-Character-Based Name Since Birth

Self-Declaration of Candidate

Use this form if you are a candidate who received a Chinese-character-based name at birth and you are unable to obtain a declaration from a family member regarding your receiving the name, and you cannot provide other documentation supporting your use of this name.

County Elections Official
By: _____
Date Issued: _____

The character-based name must be provided using traditional Chinese characters.

Declaration	<p>I, _____, solemnly swear (or affirm) that:</p> <p style="text-align: center;">Print Candidate Name</p> <p>1. I have been known, since birth, by the following Chinese-character-based name:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Print Character-Based Name</p> <p>2. I have no documentation or statement of family members to support this statement.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Dated this _____ day of _____, 2023</p>	<p>X</p>
		<p>Signature of Declarant</p>

BOARD OF SUPERVISORS
CITY & COUNTY OF SAN FRANCISCO

OFFICE OF THE CLERK OF THE BOARD

Phone: (415) 554-5184
Email: Angela.Calvillo@sfgov.org



October 25, 2023

John Arntz, Director
Department of Elections
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102
Via Email: John.Arntz@sfgov.org

Dear Director Arntz

At the October 24, 2023, Board of Supervisors meeting, Supervisor Connie Chan issued the attached inquiry to the Department of Elections. Please review the attached introduction form, which provides the Supervisor's request.

The inquiry, in summary, requests a report on the Department of Elections' 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).

Please contact Kelly Groth, Kelly.Groth@sfgov.org, Legislative Aide to Supervisor Chan, for any questions related to this request, and copy BOS@sfgov.org on all communications to enable my office to track and close out this inquiry. Please provide your response no later than November 27, 2023.

For questions pertaining to the administration of this inquiry, do not hesitate to contact me in the Office of the Clerk of the Board at (415) 554-5184.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors

WN/JA

Attachment:

- Introduction Form



**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ELECTIONS**

John Arntz, Director

April 17, 2024

Angela Calvillo, Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Dear Ms. Calvillo:

Enclosed please find an original single-sided and two single-sided, black and white copies of the proposed amendments to the Municipal Elections Code Section 401 for the Board of Supervisors' (Board) approval, which will codify the requirement that local candidates must provide documentation showing their usage of a Chinese-character-based name for two years prior to the candidates filing nomination papers when requesting a name to appear on the ballot. These amendments align with the Board's Resolution No. 526-23 (Attachment 1) urging the Department of Elections to implement a two-year period regarding candidates' usage of Chinese-character-based names when filing nomination papers. Also attached is the Department's response to Resolution No. 526-23 (Attachment 2)

These amendments also provide for family members or candidates to submit declarations upon the filing of nomination papers to attest that the candidates have a Chinese-character-based name by birth although the family members or candidates have no documentation to substantiate the use of the name (Attachment 3).

Also attached are the Board's inquiry from October 2023 regarding the Department's "process of reviewing and approving submitted translations of non-character-based names for San Francisco ballots, and a comparison with the requirements set forth in California Assembly Bill No. 57 (Low)" (Attachment 4), and the Department's response to this inquiry (Attachment 5).

Respectfully,

John Arntz, Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
APR 17 PM 3:01
WN

Encl: Proposed Amendments to Municipal Elections Code Section 401 – Chinese-Character-Based Names

- Attachment 1: Board Resolution No. 526-23
- Attachment 2: Department Response to Board Resolution 526-23
- Attachment 3: Declarations for Candidates or Family Members to Attest Candidates' Name by Birth
- Attachment 4: Board Inquiry Requesting Comparison of State and Local Laws Regarding Character-Based Names
- Attachment 5: Department's Response to Board Inquiry Requesting Comparison of State and Local Laws Regarding Character-based Names



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF ELECTIONS

Attachment 5

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.)



**CITY AND COUNTY OF SAN FRANCISCO
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: _____
----------------------------------	----------	--

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.



Memorandum

To: Honorable Members, San Francisco Board of Supervisors
From: John Arntz, Director
Date: November 29, 2023
RE: Response to Resolution No. 526-23, File No. 231119, on Implementation of Assembly Bill No. 57 – Names of Candidates

This memorandum represents the report requested in "Resolution urging the San Francisco Department of Elections to report back on the implementation of Assembly Bill No. 57 (Low) for the 2024 elections," (Resolution No. 526-23, File No. 231119).

Since 1999, the Department of Elections (Department) has followed San Francisco Municipal Elections Code (MEC) Section 401 (Attachment 1) to print translated or transliterated names using Chinese characters on ballots for candidates who were not given a Chinese name at birth. In 2019, the State Legislature passed Assembly Bill 57, subsequently codified as California Elections Code (CAEC) Section 13211.7 (Attachment 2), to require all counties to print character-based names and transliterations on ballots.

MEC Section 401 does not state a specific timeframe during which candidates must demonstrate an "established use" of a name or transliteration that would appear on the ballot. CAEC Section 13211.7 specifies a two-year timeframe that candidates must substantiate that they "have been known and identified within the public sphere" by a particular name or transliteration.

The Department understands the Board's concerns regarding potential abuses of names and transliteration. After consulting with the City Attorney's Office, to resolve the ambiguity around the word "established" in MEC Section 401, the Department can adopt a policy that sets a reasonable standard requiring candidates to demonstrate their use of a name or transliteration for the preceding two years when filing nomination papers.

To fully resolve the ambiguities between MEC Section 401 and CAEC Section 13211.7, the Department will request the assistance of the City Attorney's Office to amend MEC Section 401 to bring to the Board for review so that the language more closely aligns with CAEC Section 13211.7

I will be glad to answer any questions or provide additional information on this matter.

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.)