



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.)