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.
  Additions to Codes are in _single-underline italics Times New Roman font_.
7 **Deletions to Codes** are in ~~_strikethrough italics Times New Roman font_~~.
  Board amendment additions are in <u>double-underlined Arial font</u>.
8 **Board amendment deletions** are in ~~double-underlined Arial font~~.
  Asterisks (*   *   *) indicate the omission of unchanged Code
9 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.

25

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),* ~~T~~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_

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

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: */s/ Bradley A. Russi*
     BRADLEY A. RUSSI
     Deputy City Attorney

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City and County of San Francisco

Tails

Ordinance

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

File Number: 240397

Date Passed: June 25, 2024

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.

June 10, 2024 Rules Committee - RECOMMENDED

June 18, 2024 Board of Supervisors - PASSED ON FIRST READING
    Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 25, 2024 Board of Supervisors - FINALLY PASSED
    Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240397

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2024 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

7/3/24

Date Approved