

Date of Hearing: March 13, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 57 (Low) – As Introduced December 3, 2018

**SUBJECT:** Elections: names of candidates.

**SUMMARY:** Requires a candidate's alphabet-based name to be phonetically transliterated when the jurisdiction is required to translate ballot materials into character-based languages unless certain conditions are met. Specifically, **this bill:**

- 1) Requires jurisdictions that are required to provide translated ballot materials pursuant to a specified provision of the federal Voting Rights Act (VRA) to provide phonetic transliterations of candidates' names whenever ballot materials are translated into a language other than English that is a character-based language, including Mandarin Chinese, Cantonese, Japanese, and Korean.
- 2) Provides that in a jurisdiction in which separate ballots containing translations of the candidates' names printed in different languages, both the alphabet-based name and the translation of the candidate's name, for candidates that have translated names, shall appear on the translated ballot. Provides that if a jurisdiction is unable to comply with this requirement due to limitations of its voting system, any new system purchased by the jurisdiction after June 1, 2019, shall be able to accommodate the requirement.
- 3) Requires all jurisdictions in which a candidate's name is to appear on the ballot at an election to use the same translated name, whether phonetic transliteration or character-based, for the candidate.
- 4) Allows a candidate who has a character-based name by birth, which can be verified by birth certificate or other valid identification, to use that name on the ballot instead of a phonetic transliteration.
- 5) Allows a candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate that the candidate has been known and identified within the public sphere by that name over the past two years, to use that name instead of a phonetic transliteration.

**EXISTING LAW:**

- 1) Requires the translation of ballots and ballot materials into languages other than English under certain circumstances.
- 2) Requires the Secretary of State (SOS) to consult with an advisory body consisting of language experts and nonpartisan organizations when preparing translations of ballot titles and summaries and ballot labels of state ballot measures in a language other than English, and prohibits local elections officials from selecting or contracting with another person to provide translations of the same text.

- 3) Provides that if a candidate changes his or her name within one year of any election, the new name shall not appear on the ballot unless the change was made by marriage or a decree of any court of competent jurisdiction.

**FISCAL EFFECT:** Unknown. State-mandated local program; contains reimbursement direction.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

Under current California law, candidates for office in many jurisdictions are allowed to submit translations of their names into character-based languages without oversight. Some candidates have abused the process by which their names are translated by submitting names that are neither the phonetic translation of their name nor a name that they are known by in any community, in an attempt to gain votes. In other instances, candidates have had their names translated incorrectly. Clarification and guidance are needed in this area to prevent candidates from selecting or being assigned translated names that do not match up with their identities. This bill will remedy the problem by standardizing the way candidate names are translated into character-based languages.

- 2) **Federal Voting Rights Act of 1965:** Various provisions of state and federal law require elections officials to provide assistance to voters in languages other than English in areas of the state where specified numbers or percentages of the voting-age population have limited English skills. Among other forms of assistance, elections officials may be required to provide election materials in languages other than English.

Based on the applicable provisions of the VRA, voting materials in California must be provided in Spanish as well as English for each federal election. Additionally, 27 counties are required to translate ballot materials into languages other than English, including character-based languages. Character-based languages are writing systems that use logographs. A logograph is a letter, symbol or sign used to represent a word or phrase. Counties currently providing translations of voting materials into character-based languages include Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara.

- 3) **Not a Birth Name:** Under existing law, when a candidate changes their name within one year of any election, that candidate's new name is prohibited from appearing on the ballot unless the change in name occurred as a result of marriage or a decree of the court. This bill permits candidates who do not have a character-based name from birth, but who publicly identify themselves by one and can demonstrate to the local elections official that they have been publicly identified by that name over the past two years, to have the character-based name printed on ballot materials instead of a phonetic transliteration.

- 4) **Argument in Support:** California State Treasurer Fiona Ma writes:

Since 2002, I have been on the ballot 14 times, using my correct Chinese given birth name of 馬世雲 (Ma Sigh Wan – Cantonese pronunciation). This includes

primary and general elections for the San Francisco Board of Supervisors (2002-2004), The California State Assembly (2006-2012), and the State Board of Equalization (2014-2018). For the past 25 years – since my time as a Field Representative for then State Senator John Burton – my name has been known to Chinese-speaking constituents as my given birth name in the Chinese community. In my 2018 statewide race for Treasurer I was saddened and frustrated when my Chinese name on the ballot was 菲奧娜. 馬: pronounced “Fei O Na. Ma”. I have never used this transliterated name before, and Chinese voters were misguided.

It is unbelievable to me that when I attempted to correct my name so API voters could recognize me on the Chinese ballots, I was told statewide ballots only include the phonetically transliterated name of the candidate in Chinese, and does not allow the candidate to use their Chinese birth name, yet nicknames for Caucasian candidates have been allowed in the past. This is a very critical issue for API candidates like myself, and especially for non-English voters, because they do not recognize who “Fei O Na Ma” is when they see this name on the ballot.

AB 57 will require that candidate names are translated phonetically, unless a candidate can prove that their birth name is different or that they have been known by a different name in the relevant community for at least two years. By establishing standards for names translated into character-based languages, AB 57 will ensure that the ballot reflects the true identity of candidates.

- 5) **Previous Legislation:** SB 88 (Yee) of 2011, which was similar to this bill, was vetoed by Governor Brown who, in his veto message, said “I believe this discretion should remain at the local level where a decision can be made based on local needs.” SB 288 (Yee) of 2009, which was similar to this bill, was vetoed by Governor Schwarzenegger. In his veto message the Governor argued that a change in state policy is unnecessary, and that local jurisdictions can adopt a policy regarding the translations of candidates' names if necessary.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California State Treasurer Fiona Ma (Sponsor)  
Asian Americans Advancing Justice – Los Angeles  
AsianAmericanVoters.org  
Asian Pacific Islander American Public Affairs Association (APAPA)  
Asians in LA  
China-USA CEO Association  
Chinese American Democratic Club  
OCA Sacramento – Asian Pacific American Advocates  
Yunnan Association of Southern California

### **Opposition**

None on file.

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