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CALIFORNIA ASSOCIATION OF  
CLERKS AND ELECTION OFFICIALS

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June 30, 2009

Senator Leland Yee  
State Capitol, Rm. 4074  
Sacramento, CA 95814

Dear Senator Yee:

Due to our concerns that **SB 288** will impose significant costs on counties, and subject counties to unacceptable legal liabilities, the California Association of Clerks and Election Officials Elections Legislative Committee has adopted a position of **Oppose, unless amended** to read as follows:

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

13211.7. (a) (1) In jurisdictions that are required to provide a translation of ballot materials into a language other than English pursuant to Section 9054 or 13209 of this code, or Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots that provide a translation of the candidate's name shall be transliterated phonetically. (2) This section applies only to character-based languages, including Mandarin Chinese, Cantonese, Japanese, and Korean.

(b) Notwithstanding subdivision (a), if a candidate has a non-English *character-based* name by birth, which can be verified by birth certificate or other valid identification, he or she may use that name on the ballot instead of a phonetic transliteration. A candidate who does not have a non-English *character-based* name by birth, but who identifies by a particular non-English *character-based* name and can demonstrate that he or she 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.

In these difficult economic times, I am certain you can understand our concerns in regard to the potential costs of this proposed legislation. If you have any questions or concerns in this regard please feel free to contact me at 707-565-1876.

Very truly yours,

Janice Atkinson  
Correspondence Secretary  
California Association of Clerks  
and Election Officials

Attachment: Mark-up copy of SB 288

- c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting  
Senator Loni Hancock, Chair, Senate Committee on Elections, Reapportionment and Constitutional Amendments  
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee  
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee  
Barry Brokaw, Sacramento Advocates

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1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots that provide a translation of the candidate's name shall ~~contain a phonetic translation or transliteration of a candidate's English alphabet-based name.~~ be transliterated phonetically.

(2) This section applies only to character-based languages, including Mandarin Chinese, Cantonese, Japanese, and Korean.

~~(3) A county that provides translations of candidates' names on the ballot shall establish a process by which a candidate may appeal the translation of the name assigned to him or her for use on the ballot.~~

~~(4) In a county in which separate ballots containing translations of the candidates' names are printed in different languages, both the English *alphabet-based* names and the translations of the candidates' names, for candidates that have translated names, shall appear on each ballot.~~

(b) Notwithstanding subdivision (a), if a candidate has a non-English *character-based* name by birth, which can be verified by birth certificate or other valid identification, he or she may use that name on the ballot instead of a phonetic ~~translation or~~ transliteration. A candidate who does not have a non-English *character-based* name by birth, but who identifies by a particular non-English *character-based* name and can demonstrate ~~to~~ elections officials that he or she 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 ~~translation or~~ 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.