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THIRD READING

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Bill No: AB 64  
Author: Pacheco (D), et al.  
Amended: 6/23/25 in Senate  
Vote: 21

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SENATE HEALTH COMMITTEE: 10-0, 6/18/25

AYES: Menjivar, Valladares, Durazo, Grove, Limón, Padilla, Richardson, Rubio,  
Weber Pierson, Wiener

NO VOTE RECORDED: Gonzalez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 69-0, 5/29/25 - See last page for vote

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**SUBJECT:** Vital records

**SOURCE:** Author

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**DIGEST:** This bill (1) requires the State Registrar to require the use of a diacritical mark on an English letter within a name to be properly recorded, when applicable, on a certificate of live birth, fetal death, marriage license and certificate, or confidential marriage license and certificate. (2) Authorizes, if a name is not accurately recorded because of the absence of a diacritical mark in any vital record already registered, the party asserting the omission to submit a written request to the State Registrar for the issuance of a corrected certificate stating the changes necessary to make a name correct.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Department of Public Health (CDPH) and sets forth its powers and duties, including duties as the State Registrar relating to vital records and health statistics. [Health and Safety Code (HSC) §102100, et seq.]

- 2) Makes the local health officer of an approved public health department the local registrar in and for all registration districts within that health jurisdiction and requires the local registrar to perform all the duties of a local registrar of births and deaths. Requires the State Registrar, in other areas, to appoint a local registrar of births and deaths for each registration district, as specified. [HSC §102275 and §102280]
- 3) Makes the county recorder the local registrar of marriage and requires the local registrar to perform all duties of a local registrar of marriage. Authorizes each assistant or deputy of a local registrar to perform all duties of the local registrar in the name and place of his or her principal. [HSC §102285]
- 4) Requires a \$12 fee to be paid by the applicant for a certified copy of a fetal death or death record. [HSC §103625(a)]
- 5) Requires an \$11 fee to be paid to the State Registrar by the applicant for an amendment or revision to a birth, death, or marriage record, except for those amendments that are filed within one year of the date of occurrence of the event. [HSC §103700]
- 6) Provides that English is the common language of the people of the U.S. and the State of California, and that English is the official language of the State of California. Requires the Legislature to enforce this provision by appropriate legislation, and to take all steps necessary to ensure that the role of English as the common language of California is preserved and enhanced. Prohibits the Legislature from making any law that diminishes or ignores the role of English as the common language of California. [Article III, Section 6, California Constitution]

This bill:

- 1) Requires the State Registrar, commencing no earlier than two years after an appropriation by the Legislature, to require the use of a diacritical mark on an English letter within a name to be properly recorded, when applicable, on a certificate of live birth, fetal death, death, marriage license and certificate, or confidential license and certificate.
- 2) Requires the use of a diacritical mark to be deemed an acceptable entry by the State Registrar.

- 3) Prohibits the absence of a diacritical mark on a certificate of live birth, fetal death, or death, or a marriage license from rendering the document invalid nor affect any constructive notice imparted by proper recordation of the document.
- 4) Authorizes the State Registrar to develop a list of acceptable diacritical marks for use on a certificate of live birth, fetal death, death, marriage license and certificate, or confidential license and certificate.
- 5) Authorizes, if a name is not accurately recorded because of the absence of a diacritical mark in any certificate of live birth, fetal death, death, or marriage already registered, the person asserting the omission, or the person's conservator, or if a minor, the parent's parent or guardian, to submit a written request to the State Registrar for the issuance of a corrected certificate with the accurate name identified in the request.
- 6) Requires the State Registrar to review the request and, if the request is accompanied with the payment of an \$11 fee, to issue a corrected certificate with the accurate name identified in the request.
- 7) Authorizes, if a name is not accurately recorded because of the absence of a diacritical mark on any confidential license and certificate of marriage already registered, the party asserting the omission to make an affidavit, under oath, stating the changes necessary to make the record correct and file it with the county clerk.
- 8) Authorizes the county clerk to charge a fee, not to exceed the amount for any other amended confidential marriage license and certificate issued by the county clerk and not to exceed the reasonable cost to provide the amended confidential marriage license and certificate.
- 9) Requires the county clerk to review the amendment for acceptance for filing, and if accepted, issue a new confidential marriage license and certificate. Requires the county clerk to file the amended confidential marriage license and certificate and note the fact of the amendment, with its date, on the otherwise unaltered original confidential marriage license and certificate.
- 10) Requires all applicants for certificate copies of vital records to pay an additional fee of five dollars to be collected by the State Registrar, the local registrar, county recorder, or county clerk.

## Comments

According to the author of this bill:

This bill will allow the inclusion of diacritical marks on vital documents, such as birth certificates, death certificates, and marriage licenses. For many Californians, this bill represents much more than just a mark on a page. People have a fundamental right to have their names, and the names of their family members, recorded accurately. Many states, including Texas, Illinois, Kansas, Hawaii, North Carolina, Oregon, Alaska, Utah, Arkansas, Delaware, and Maryland allow diacritical marks on vital records. As the most populous and diverse state in the nation, California should be a leader among these states. Just 39 years ago, California included diacritical marks on vital records. This practice was discontinued in 1986, when English was declared our official language, diminishing the rich multicultural heritage of so many residents. For 39 years, we've been asking Californians to accept the misspelling of their names on official records. It's time to restore this basic dignity.

## Background

*The State Registrar.* CDPH's Vital Records Registration Branch is charged with maintaining a uniform, comprehensive, and continuous index for all birth, death, fetal death, and marriage vital events, which occur in California, of which there are over one million each year. Certified copies of vital records are available from CDPH, 58 county recorders, and 61 local health jurisdictions. CDPH maintains, and can provide, birth and death records from 1905 to the present. For marriage records, CDPH maintains and can provide those from 1946 to the present, with some years excluded. CDPH uses the data collected through death certificates for public health research and planning.

*Local registrars and county recorders.* Local health officers serve as the local registrars for their respective health jurisdictions, and perform all the related duties. According to the County Recordors' Association of California, the local registrar is required to send each original birth or death certificate to the State Registrar, either directly or through the county recorder's office. Local registrars either send the original birth or death certificate to the county recorder, who makes a special county record and forwards the original to the State Registrar, or the local registrar sends the county recorder a copy of the certificate at the same time they forward the original to the State Registrar. The local registrar keeps birth and death records

for current year events and one year prior, but records for all years are maintained by the county recorder.

*Amendment of records.* According to CDPH, when a vital record is amended, the amendment becomes part of the original record, making it a multi-page document. However, since birth and marriage certificates establish a person's identity, CDPH is authorized to instead replace the original birth or marriage certificate with a corrected record that does not indicate that it was amended. This authorization currently does not apply to fetal death or death certificates. Amendments to confidential marriage records in particular must be amended through the county clerk in the county where the license was issued.

*Diacritical marks.* Diacritical marks refer to a mark that is placed over, under, or through a letter in some languages to show that the letter should be pronounced in a particular way. Diacritical marks include, but are not limited to: grave or acute accents (è or á) and tildes (ñ or ã), commonly found in Spanish language names or umlauts (ö or ü) used in German and cedillas (ç or ş) found in French, Turkish, and other languages. According to the author's office, California used to require the use of diacritical marks on state issued documents, when applicable, until the passage of Proposition 63 in 1986, which declared English as the official language of the state. CDPH's Birth Registration Handbook states that the birth certificate is to be completed using the 26 alphabetical characters of the English language, referencing Proposition 63. The handbook lists diacritical marks as unacceptable entries, while listing hyphens, apostrophes, periods, and commas as appropriate punctuation.

Currently, at least seven states allow diacritical marks on birth certificates: Alaska, Hawaii, Illinois, Kansas, North Carolina, Oregon, and Texas. Oregon's vital records system limits them to a specific set of diacritical marks. Oregon also uses a program that removes the diacritical marks prior to sending to the Social Security Administration (SSA). Texas passed House Bill 1823 in 2017, which allows for properly recorded diacritical marks in vital statistics records, driver's licenses, commercial driver's license, and personal identification certificates. Texas also strips the marks from data that is sent to SSA.

*California demographics.* According to the Public Policy Institute of California, no race or ethnic group constitutes a majority of the state population: 40% of Californians are Latino, 34% are white, 16% are Asian American or Pacific Islander, 6% are Black, 3% are multiracial, and fewer than 1% are Native American or Alaska Natives. More than half of young Californians (51.4% of

those 24 and under) are Latino. Twenty-seven percent of Californians were born outside of the U.S. The California Census Office identified California's top 12 non-English languages as Spanish, Chinese, Vietnamese, Tagalog, Korean, Armenian, Farsi, Arabic, Russian, Japanese, Punjabi, and Khmer in their 2020 Language and Communication Access Plan. They also state that at least 44% of Californians speak a language other than English at home.

### **Related/Prior Legislation**

AB 2156 (Pacheco of 2024) was substantially similar to this bill. AB 2156 was held on the Assembly Appropriations Committee suspense file.

AB 77 (Pacheco of 2023) was substantially similar to this bill. AB 77 was held on the Assembly Appropriations Committee suspense file.

AB 82 (Medina of 2017) was substantially similar to this bill. AB 82 was vetoed by Governor Brown, who stated, "Mandating the use of diacritical marks on certain state and local vital records without a corresponding requirement for all state and federal government records is a difficult and expensive proposition. This bill would create inconsistencies in vital records and require significant state funds to replace or modify existing registration systems."

AB 2528 (Skinner of 2014) was substantially similar to this bill. AB 2528 would have also required the registrar to develop procedures to include other reasonable requests relating to names on certificates of live birth, and would have imposed similar requirements on the Secretary of State, with respect to Certificates of Registered Domestic Partnership, and on the Department of Motor Vehicles, with respect to drivers' licenses and identification cards. AB 2528 was held on the Assembly Appropriations suspense file.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Unknown one-time General Fund costs, potentially in the low millions, for the California Department of Public Health (CDPH) for state administration and system reprogramming. Costs could be offset by potential fee revenues.
- Unknown costs to county clerks for local administration and system reprogramming. Costs could be offset by potential fee revenues. Cost to

counties would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

**SUPPORT:** (Verified 8/18/2025)

Dolores Huerta Foundation  
Southeast Asia Resource Action Center  
UnidosUS

**OPPOSITION:** (Verified 8/18/2025)

California Association of Clerks & Election Officials (unless amended)

**ARGUMENTS IN SUPPORT:** The Dolores Huerta Foundation and Southeast Resource Action Center write that this bill addresses critical issues of cultural identity, inclusion, and respect for the diverse communities we serve. They state that names are fundamental to a person's sense of belonging and are connected to heritage, tradition, and family history. For many Californians with names that include diacritical marks, the current prohibition against including these marks on vital documents denies them the right to their authentic name.

**ARGUMENTS IN OPPOSITION:** *Oppose unless amended.* The California Association of Clerks & Election Officials (CACEO) writes that they are concerned about the mechanics and feasibility of the mandates imposed by this bill. They state that individual counties will encounter unique issues in attempting to comply, depending on the vendor and technology employed to issue licenses and maintain indexes. For instance, all electronic indexes maintained by the County Clerk have only been programmed to use 26 alphabetical characters. They write that this bill would require significant state funds to replace or modify existing registration systems to accept diacritical marks. CACEO is also concerned that this bill would affect constituents on the federal level since marriage licenses are used as a legal name change document in the State of California. This may cause issues with the issuance of federal passports and interaction with SSA offices. CACEO proposes that there needs to be adoption of this policy at the State level, such as by requiring the California Department of Motor Vehicles to begin issuing driver's licenses or identification cards with diacritical marks, before counties can comply with the measure.

ASSEMBLY FLOOR: 69-0, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Soria, Stefani, Ta, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Bryan, Chen, DeMaio, Hadwick, Nguyen, Sharp-Collins, Solache, Tangipa, Ward

Prepared by: Margarita Niemann / HEALTH / (916) 651-4111  
8/29/25 20:24:12

\*\*\*\* END \*\*\*\*