

## CONCURRENCE IN SENATE AMENDMENTS

AB 64 (Pacheco)

As Amended September 05, 2025

Majority vote

### SUMMARY

Requires, *beginning no earlier than two years after* an appropriation of funds by the Legislature, the State Registrar of Vital Statistics (SR) to require a diacritical mark on an English letter within a *name field of a parent or registrant* to be properly recorded on a certificate of live birth, fetal death, or death, and a marriage license and certificate, or confidential marriage license and certificate.

#### Senate Amendments

- 1) Establish a timeline for the SR to begin requiring the use of a diacritical mark on an English letter within a certificate of live birth, fetal death, or death, and a marriage license and certificate, or confidential marriage license and certificate beginning no earlier than two years after an appropriation of funds by the Legislature.
- 2) Require the SR to deem a diacritical mark an acceptable entry on a confidential marriage license and certificate.
- 3) Prohibit the presence of a diacritical mark from rendering the document invalid nor affecting any constructive notice imparted by the proper recordation of the document.
- 4) Authorize, notwithstanding provisions of the Administrative Procedure Act, the SR to develop a list of acceptable diacritical marks for use on a certificate of live birth, fetal death, or death, or a marriage license and certificate or confidential marriage license and certificate, through all-county letters or similar instructions from the SR without taking further regulatory actions.
- 5) Authorize, notwithstanding existing law, the SR to remove any diacritical marks on the birth, fetal death, death, and marriage license and certificate data before furnishing the vital statistics relating to birth, death, fetal death, and marriage license and certificates to a federal, state, or local government agency.
- 6) Authorize, upon request and payment of an \$11 fee, the SR to issue an amended certificate of live birth, death, fetal death, or a marriage license and certificate instead of a corrected certificate of live birth, fetal death, death, or a marriage license and certificate.
- 7) Change the process for a registrant (or their conservator, or their parent or guardian if a minor) to request an amended certificate of live birth, death, fetal death, or marriage license and certificate. Instead of requiring the person make a written request to the SR, this bill now requires the person to make an affidavit under oath in accordance with existing law pertaining to amendments to vital records stating the changes necessary to make the record correct, supported by the affidavit of one other person having knowledge of the facts to be filed with the SR. Delay implementation of this process to July 1, 2026.
- 8) Require amendments to add diacritical marks to birth and marriage certificates to be filed with and become part of the record.

- 9) Delete the requirement that original birth and marriage certificates be replaced with records that do not indicate that they were amended.
- 10) Specify the provisions related to amendments for confidential marriage license and certificates apply if the name field of either of the parties married or their parents is not accurately recorded because of the absence of a diacritical mark.
- 11) Authorize a county clerk to charge a fee, not to exceed the amount of the fee 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.
- 12) Delete the requirement, if a county clerk accepts an amendment to a confidential marriage license and certificate for filing, for the county clerk to replace the original confidential marriage certificate with records that do not indicate they were amended and instead requires the county clerk to file the amendment and note the fact of the amendment, with its date, on the otherwise unaltered original confidential marriage license and certificate.
- 13) Require all applicants for certificate copies of vital records to pay an additional fee of five dollars to be collected by the SR, the local registrar, county recorder, or county clerk.

## COMMENTS

*Vital Records.* The Office of Vital Records within the State Department of Public Health (DPH) is charged with maintaining a uniform system for registration and a permanent central registry with a comprehensive and continuous index for all birth, death, fetal death, marriage, and dissolution certificates registered for vital events that occur in California, which are over one million events each year. Certified copies of vital records are available from DPH, 58 county recorders, and 61 local health jurisdictions. At the local level, birth and death records for current-year events and one year prior are available from the county health department; records for all years are maintained by the county recorder. Public marriage records may be obtained from the county recorder; confidential marriage records are available only through the county clerk of the county where the license was issued.

*Diacritical marks.* Diacritical marks are symbols added to letters that provide guidance on pronunciation and meaning in many languages. They are commonly used to indicate tone, stress, or sound changes in vowels and consonants. 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. Federal law requires all federal databases to follow standards determined by the National Institute of Standards and Technology and to use the 26 letters of the alphabet without diacritical marks (Public Law 100-235, *Computer Security Act of 1987*). California law is silent on diacritical marks, however Health and Safety Code Section 102200 states that the SR "...shall prescribe and furnish all record forms for use in carrying out the purposes of this part, or shall prescribe the format, quality, and content of forms electronically produced in each county, and no record forms or formats other than those prescribed shall be used."

*The California Electronic Birth Registration System (EBRS).* In 2015, the California SR convened a workgroup to review the contents of California's Birth, Death, and Fetal Death certificates and considered proposed changes to data elements collected on those certificates. The

implementation of EBRs in 2018 did not accommodate the use of diacritical marks during the registration process. In 2023, the DPH Office of Vital Records announced an update to EBRs 1.0 with EBR 2.0 to fully integrate the Fetal Death Registration System into EBRs and into the larger ecosystem of the California Integrated Vital Records System (Cal-IVRS), as well as to majorly overhaul the fetal death certificate to allow for more comprehensive and cleaner collection of fetal death data. "*The Office of Vital Records: Birth and Death Registration Handbook*," referencing the provisions of Proposition 63, states that forms are "to be completed using the 26 alphabetical characters of the English language." The 2023 handbook also explicitly states (on pages five and six) that unacceptable marks include "diacritical marks—any of various marks added to a letter to indicate its pronunciation or to distinguish it in some way, e.g., è, ñ, ç." Appropriate punctuation is a standardized mark or sign used in sentences or phrases. Acceptable punctuation includes hyphen (-), period (.), comma (,), or apostrophe ('). Examples of appropriate punctuation for vital records: Hyphen such as "Smith-Jones," apostrophe as in "O'Hare," period as used with "Jr.," or a comma such as "Smith, Jr." Therefore, the name O'Brian can be spelled correctly on a vital record, but Hernández cannot.

*Please see the Assembly Committee on Health Analysis for more background.*

### **According to the Author**

As the most populous and diverse state in the nation, California should not alter people's names on vital records, such as birth certificates, death certificates, and marriage licenses, by omitting accents, umlauts, tildes, cedillas and other diacritical marks. The author continues that in some cases, the exclusion of a diacritical mark even changes the meaning of a name. For example, the last name Peña, without the tilde would be Pena, which translates to shame in English. The author states that excluding these marks began a mere 38 years ago with a policy developed by the Department of Health that banned diacritical marks after English was declared the state's official language, disrespecting the multicultural heritage of California residents. The author notes that plenty of other states, including Texas, Kansas, Alaska and Utah, have all passed laws allowing for the use of diacritical marks on vital records. The author concludes that she is carrying the Identity Integrity Act because California should record the actual names of residents, reflecting parental and individual rights, preserving cultural identity as expressed in names.

### **Arguments in Support**

The Dolores Huerta Foundation supports this bill and states that names are fundamental to a person's sense of belonging and are connected to heritage, tradition, and family history. The Dolores Huerta Foundation continues that for many Californians with names that include diacritical marks, such as accents, umlauts, tildes, and cedillas, the current prohibition against including these marks on vital documents denies them the right to their authentic name. The Dolores Huerta Foundation notes that that this bill is important as it promotes cultural recognition and respect, and equal application (names with apostrophes such as O'Doyle are recorded properly, while names with other diacritical marks like José and Chloë are not. The Dolores Huerta Foundation concludes that this bill represents an important step toward recognizing and respecting the cultural identities of all Californians. This simple but meaningful change will restore a practice that was common in California until 1986 and would affirm the state's commitment to honoring the diversity of its residents.

### Arguments in Opposition

*The California Association of Clerks and Election Officials (CACEO) opposes this bill unless amended and states that this bill adds "marriage licenses" to records requiring diacritical marks. CACEO states concerns about the mechanics and feasibility of this local mandate. CACEO continues that individual counties will encounter unique issues in attempting to comply; depending on the vendor and technology employed to issue licenses and maintain indexes. CACEO urges that the measure be amended to impose this policy change from the "top down" to ensure that vital records and identification documents are created on a solid foundation of traceable, consistent information that uses the same rules and guidelines in order to ensure that local governments, the state government and the federal government continue to work in a uniform and cohesive manner.*

### FISCAL COMMENTS

*According to the Senate Committee on Appropriations, unknown one-time General Fund costs, potentially in the low millions, for DPH 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.*

### VOTES:

#### ASM HEALTH: 15-0-0

**YES:** Bonta, Chen, Addis, Aguiar-Curry, Arambula, Carrillo, Flora, Mark González, Krell, Patel, Celeste Rodriguez, Sanchez, Schiavo, Sharp-Collins, Stefani

#### ASM APPROPRIATIONS: 14-0-1

**YES:** Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Sanchez

#### ASSEMBLY FLOOR: 69-0-10

**YES:** 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

**ABS, ABST OR NV:** Alvarez, Bryan, Chen, DeMaio, Hadwick, Nguyen, Sharp-Collins, Solache, Tangipa, Ward

### UPDATED

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