



**California State Association of Counties**  
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October 9, 2008

Dr. Mark B. Horton, MD, MSPH  
Director, California Department of Public Health  
P.O. Box 997377  
Sacramento, California 95899-7377

Dear Dr. Horton:

On behalf of the California State Association of Counties (CSAC) and the Regional Council of Rural Counties (RCRC), we write to express our concerns about the recent All County Letter (ACL) directing county clerks to modify marriage license forms effective November 17, 2008. Our concerns are solely focused on the timing involved in implementing the new form changes; we are not concerned about the change itself. In light of considerable constraints at the local level, we respectfully request that this directive be modified to be effective January 1, 2009, when other changes will be made to the marriage license form according to statute.

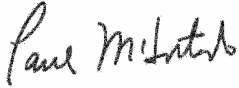
At the local level, county clerks are often not only responsible for processing of vital records, but also for administering elections and assessing property values, among other duties. To impose this change while county officials are preparing for the November 4, 2008 General Election and for the subsequent certification of those results no later than December 2, 2008 puts a significant constraint on their ability to accomplish these mandated tasks. County clerks know from the previous modification to the marriage license forms that such changes require considerable effort and funds, already in short supply at the local level. Further, we understand that vendors that support the marriage license systems may be unable to make the appropriate changes to the programs in the timeframe provided. Given these serious reservations, we believe it is in the best interest of all parties to provide additional time for implementation so that the license change is accomplished effectively.

Counties are also concerned with the manner in which these changes were communicated to county clerks and to the public. County clerks were not consulted before the Department issued the ACL and it is clear that your staff was unaware of the substantial responsibilities of county officials related to the upcoming election. Of additional concern, the press spokesperson for the Department implied in news articles that, until the new forms are available, couples would be able to modify existing forms to include the words "bride" and "groom" if they so desired. County clerks were never notified of this policy change and question its appropriateness.

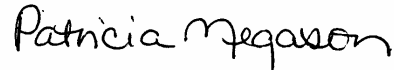
The Department would be well-served to have engaged the county officials who provide the service at the local level as to the practical implementation of such a directive. Counties are willing to work with the state to develop workable solutions to issues; however, this recent directive has only served to create confusion, frustration, and resentment among local officials and with the general public.

Counties urge you to reconsider this change and work to repair the relationship with the county clerks. As you are undoubtedly aware, given your previous experience in county government, they are the front-line service providers and have an intimate understanding of the day-to-day operations of service to the public. Please feel free to contact us if we can offer additional assistance to that end.

Sincerely,



Paul McIntosh  
Executive Director  
CSAC



Patricia Megason  
Executive Vice President  
RCRC

cc: Susan Kennedy, Chief of Staff, Office of Governor Schwarzenegger  
Brenda Quintana, Director of Local Government and Community Relations,  
Office of Governor Schwarzenegger  
S. Kimberly Belshé, Secretary, California Health and Human Services Agency  
Trina Gonzalez, Assistant Secretary, California Health and Human Services  
Agency  
Dr. Linnette Scott, MD, MPH, Deputy Director, California Department of Public  
Health  
Rebecca Martinez, County Clerk-Recorder, Madera County and President,  
California Association of Clerks and Elections Officials