

Meeting Date: Thursday, April 23, 2020

Time: 3:30 p.m. – 4:21 p.m.

Location: Conference Call

Special Discussion: Remote Marriage Executive Order

**MINUTES**

2019/2020 County Clerk Legislative Committee Members

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| --- | --- | --- | --- |
| Candace Grubbs, Butte | T | Joani Finwall/Melissa Garcia, San Bernardino | T/T |
| Elizabeth Gutierrez, Contra Costa | T | Val Wood, San Diego | T |
| Brandon Hill, Fresno | T | Teresa Williamson, San Joaquin | T |
| Chuck Storey/Victoria Wong, Imperial | X/X | Joe Holland/Danielle Rifilato/Melinda Greene, Santa Barbara | X/X/X |
| Kammi Foote, Inyo | X | Gina Alcomendras/Louis Chiaramonte/Belinda Gamutan, Santa Clara | T/T/T |
| Portia Sanders/Monique Blakely/Jaime Pailma, Los Angeles | T/X/X | Deva Proto/Carrie Anderson/Amanda King, Sonoma | X/T/T |
| Erik Karhu, Riverside | T | David Valenzuela/Sheila Jetton, Ventura | X/T |
| Donna Allred/Andrew Graham, Sacramento | T/T |  |  |

(**T –** Teleconference; **X** – Not on call)

1. **Call to Order**

Meeting started at 3:30 p.m.

1. **Remote Marriage Executive Order and Affidavit Suggested Changes**

Gina Alcomendras, Santa Clara, suggests that the wording be modified and included in the language that the license is unexpired until after the COVID-19/Coronavirus pandemic is under control. This will reduce duplicate work currently being done by clerks. Rose Gallo-Vasquez of Colusa County suggested an affidavit/second page which would document the extension of the license due to the pandemic. Jacquelyn Luna from Madera suggested issuing an amendment to the original license indicating the extension of the expiration date. This incurred discussion regarding whether the law can allow an amendment to a document that has not yet been recorded. Counties can choose the best way to notify the public.

Additional wording was included that addresses verification of identity and additional documentary proof in the manner requested by the county clerk, which would allow each county to make the determination of what documents are needed. Also, wording was changed regarding having the licensing and ceremony to be completed concurrently.

Amanda King, Sonoma, asked if the “online” wording regarding the marriage application affidavit for remote online marriages will limit the work that the clerks offices can perform. There was discussion to use the same language in the Executive Order. Also, Carrie feels the wording “physically situated” should be changed to “physically present” or something similar in order to avoid misunderstanding from the couple.

Donna Johnston of Sutter suggested adding the words “all of” in the last portion of the sentence in the Directives section so that it would read, “Any processing, by the county clerk, of a marriage license application, marriage license issuance, the witnessing or solemnizing of the marriage ceremony, that is required under California law may be performed by audio-video technology utilizing a link provided by the county clerk if all of the following conditions are met:” Also, Donna suggests removing “…whenever required by law…” from the first paragraph following so that it would read, “The couple seeking the marriage services will transmit a copy of valid government issued photo identification to verify identity and any additional documentary proof in a manner requested by the county clerk.”

Lisa Anderson of Riverside suggests extending the expiration date to allow the marriage ceremony to be performed instead of waiving fees for issuing a new license when the original license has expired and no ceremony has been performed. Also, an affidavit would be recorded with the license that explains that due to the COVID-19 pandemic the marriage ceremony was performed after the expiration date on the face of the license. The affidavit provides the explanation for the extension of the expiration date of the marriage licenses issued from January 31, 2020 through December 31, 2020 to March 31, 2021.

1. **The County Clerk Legislative Committee has proposed to the following changes to the draft:**
2. The title is changed from “Marriage Application Affidavit for the Remote Online Marriages” to “Marriage Application Affidavit for Audio-Video Technology Marriages.”
3. The language in the second subparagraph, the language will be changed from “physically situated” to “physically present.” It will also be mirrored in the order.
4. In the first paragraph of the Directives section, add the language “all of” in the last portion of the sentence in the Directives section so that it would read, “Any processing, by the county clerk, of a marriage license application, marriage license issuance, the witnessing or solemnizing of the marriage ceremony, that is required under California law may be performed by audio-video technology utilizing a link provided by the county clerk if all of the following conditions are met:”
5. In the first subparagraph of the Directives section, remove the language “…whenever required by law…” so that it would read, “The couple seeking the marriage services will transmit a copy of valid government issued photo identification to verify identity and any additional documentary proof in a manner requested by the county clerk.”
6. **Approval of changes**

Motion to approve proposed changes to the order: Gina Alcomendras, Santa Clara; Second: Carrie Anderson, Sonoma. Motion approved unanimously.

1. **Adjourned**

Meeting ended at 4:21 p.m.