April 22, 2021

To: CACEO County Clerks Legislative Committee

From: Matt Siverling, Legislative Advocate

Re: Monthly Report

The first key deadline of the Session is at the end of this month. April 30th is the last day for policy committees to hear bills and pass to Appropriations. Prior to this hearing, any measure that was not amended and prepared for analysis and approval will be tabled and become a two-year bill. Since this is the first year of a Session, the measures that fail to overcome deadlines have a brief opportunity next year to be heard and move either “as is” or with amendments to secure votes for passage.

The Legislature is continuing to adhere to a limited bill load, and is anticipating potentially intermittent activity on the Floor due to the potential of a surge in COVID-19 infections. That being said, the Governor has signaled that it is his intention to officially “reopen” California by the middle of June. It remains to be seen whether that includes a more traditional Committee and Legislative process in the Capitol building. Until then, we will be forced to participate in hearings and Sessions virtually.

**SPONSORED BILLS**

CACEO County Clerks Legislative Committee opted to sponsor one bill this year.

**ASSEMBLY BILL 583 (Chiu) Remote Marriage and Electronic Issuance of Licenses**

In response to the pandemic and subsequent “stay at home” order issued by the State, we pursued an Executive Order in 2020 to allow for the waiving of select Family Code provisions to allow for the remote/electronic issuance of marriage licenses and solemnization of ceremonies.

As 2021 began, we determined that, although the Executive Order is still in effect for the foreseeable future, it would be advisable to move forward with permanent changes to law to allow for the continuation of the service. Many counties have received positive feedback from constituents about the convenience and ease of the new process, and recommended that it become an option going forward; even after the COVID-19 pandemic is in the rear view mirror.

We secured an Author in Assemblyman David Chiu, who is the former Mayor of San Francisco. Senator Nancy Skinner, from Berkeley, has signed on as a Principal Co-Author.

The measure was subjected to its first hearing in the Assembly Judiciary Committee earlier this week. As expected, we received a number of questions and requests for information regarding how this program will work, and what our solutions are to various issues. We were pushed by the committee to consider making the program a statewide mandate; but after a survey which demonstrated that only a dozen counties are currently moving forward with remote marriages/electronic issuance of licenses, we rejected the effort and insisted that it remain as a county option. We also were requested to consider allowing for participants in the ceremonies to appear “in state” rather than together, which we also kept out of the bill.

After all the pre-debate, we enjoyed a relatively smooth hearing. The bill was unanimously approved by all members, including Republicans, who ignored the recommendation from staff to oppose. Their opposition was rooted in a dedication to traditional marriage and solemnization.

The measure now moves directly to the Floor, since it is optional and non-fiscal.

We are also exploring the prospect of amending this measure into an “urgency” bill, since the Executive Order currently authorizing the remote and electronic processes for marriage ceremonies and licenses may expire once the “stay at home order” is lifted. This may occur as soon as June. We have reached out to the Governor’s office and the notified the Author of the issue.

**Other bills**

**Assembly Bill 1286 (Petrie Norris) Reporting of Minor Marriages**

This measure would amend the Code to require the counties to report to the State Registrar four times per year the number of minor marriages administered. The bill would specify that the county would be required to report “zero” if there were none, rather than not filing.

We need to assess the process and the workload associated with this new mandate.