

COUNTY CLERKS 2/22/2021

[AB 218](#) **(Ward D) Change of gender and sex identifier.**

Introduced: 1/11/2021

Status: 1/28/2021-Referred to Coms. on JUD. and HEALTH.

Location: 1/28/2021-A. JUD.

Summary: (1)Existing law authorizes a person to file a petition with the superior court seeking a judgment recognizing their change of gender to female, male, or nonbinary, including a person who is under 18 years of age. The judgment may include an order for a new birth certificate, and the new birth certificate is required to include the change of gender and any name change specified in the court order. Existing law also authorizes a procedure for a person born in this state to obtain a new birth certificate directly from the State Registrar to reflect their change of gender to female, male, or nonbinary without a court order. Existing law prohibits a new birth certificate issued under these provisions from indicating that it is not the original birth certificate and requires a local registrar or the county recorder to either forward the original birth certificate to the State Registrar or seal a cover over the birth certificate, as specified. This bill would recast these provisions relating to new birth certificates to provide for a change in gender and sex identifier and to specify that a person who was issued a birth certificate by this state, rather than a person born in this state, may obtain a new birth certificate. This bill contains other related provisions and other existing laws.

Position

[AB 245](#) **(Chiu D) Educational equity: student records: name and gender changes.**

Introduced: 1/13/2021

Status: 1/28/2021-Referred to Com. on HIGHER ED.

Location: 1/28/2021-A. HIGHER ED.

Summary: Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. The Equity in Higher Education Act provides that it is the policy of the state to afford all persons, regardless of specified characteristics, including gender identity and gender expression, equal rights and opportunities in the postsecondary educational institutions of the state. This bill would require a campus of the University of California, California State University, or California Community Colleges to update a former student's records to include the student's updated legal name or gender if the institution receives government-issued documentation, as described, from the student demonstrating that the former student's legal name or gender has been changed. The bill would require the institution to reissue specified documents conferred upon, or issued to, the former student with the former student's updated legal name or gender, if requested by the former student. Commencing with the 2023–24 graduating class, the bill would require an institution to provide an option for a graduating student to request that the diploma to be conferred by the institution list the student's chosen name, as specified. Because this bill imposes new duties on community college districts, it would constitute a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

[AB 346](#) **(Seyarto R) Privacy: breach.**

Introduced: 1/28/2021

Status: 2/12/2021-Referred to Com. on P. & C.P.

Location: 2/12/2021-A. P. & C.P.

Summary: Existing law, the Information Practices Act of 1977, requires an agency, which includes a local agency, that owns or licenses computerized data that includes personal information, as defined, to disclose expeditiously and without unreasonable delay a breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, or whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, and the encryption key or security credential was, or is reasonably believed to have been, acquired by an unauthorized person, and the agency that owns or licenses the encrypted information has a reasonable belief that the encryption key or security credential could render that personal information readable or useable. Existing law also requires an agency that maintains computerized data that includes personal information that the agency does not own to notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would make the above-described requirements applicable if the information is accessed by an unauthorized person. The bill would also make conforming changes. Because it would impose a requirement to provide a

higher level of service with regard to data breaches on a local agency, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

[AB 439](#) (Bauer-Kahan D) Certificates of death: gender identity.

Introduced: 2/4/2021

Status: 2/12/2021-Referred to Com. on HEALTH.

Location: 2/12/2021-A. HEALTH

Summary: Existing law requires that each death be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found. Existing law designates persons responsible for completing a certificate of death and the required contents of the certificate, including, but not limited to, the decedent's name, sex, race, and other relevant identifying and medical information. Certain violations of these requirements are a crime. This bill would authorize the decedent's gender identity to be recorded as female, male, or nonbinary. This bill contains other existing laws.

Position

[AB 583](#) (Chiu D) Remote marriage license issuance and solemnization.

Introduced: 2/11/2021

Status: 2/18/2021-Referred to Com. on JUD.

Location: 2/18/2021-A. JUD.

Summary: Existing law requires applicants to be married to first appear together in person before the county clerk to obtain a marriage license. Existing law does not require a particular form for the ceremony to solemnize a marriage, but requires the parties to declare, in the physical presence of the person solemnizing their marriage and necessary witnesses, that they take each other as spouses. Existing law requires the person solemnizing the marriage to return an endorsed marriage license to the county recorder of the county in which the license was issued. Existing law authorizes a member of the Armed Forces of the United States who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of the marriage to enter into that marriage by the appearance of an attorney-in-fact. Existing law also authorizes a county clerk to issue a marriage license to the person solemnizing the marriage if either or both of the parties to be married are physically unable to appear in person before the county clerk, certain documentation requirements are met, and there is a sufficient reason for this procedure that includes proof of hospitalization, incarceration, or any other reason proved to the satisfaction of the county clerk. Existing executive orders delineate temporary procedures for obtaining a marriage license and solemnizing a marriage via videoconference, as specified. This bill would authorize, between January 1, 2022, and January 1, 2024, a county clerk to issue a marriage license or solemnize or witness a marriage ceremony using remote technology, as defined, except for the marriage of a minor. The bill would prescribe the procedures and requirements for marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony using remote technology, including the requirements that the couple be in the same physical location in the State of California while using remote technology to solemnize their marriage. The bill would authorize a county clerk to require a couple to complete an affidavit affirming that they and each individual participating in a marriage solemnization using remote technology are physically present within the State of California, as required. The bill would authorize a county clerk to provide guidance relating to marriage license applications, marriage license issuance, and the witnessing or solemnizing of the marriage ceremony within their jurisdiction using remote technology.

Position

Sponsor

[AB 621](#) (Rivas, Robert D) California Environmental Quality Act: streamlined environmental review: master environmental impact reports.

Introduced: 2/12/2021

Status: 2/13/2021-From printer. May be heard in committee March 15.

Location: 2/12/2021-A. PRINT

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA authorizes the preparation of a master EIR to evaluate project impacts, and expresses the intent of the Legislature that environmental review of subsequent projects be substantially reduced to the extent that project impacts have been reviewed and appropriate mitigation measures are set forth in a certified master EIR. This bill would make nonsubstantive changes to that latter provision.

Position

[AB 751](#) (Irwin D) Vital records: certified copies: electronic requests.

Introduced: 2/16/2021

Status: 2/17/2021-From printer. May be heard in committee March 19.

Location: 2/16/2021-A. PRINT

Summary: (1)Existing law generally authorizes the State Registrar, a local registrar, or a county recorder to furnish a certified copy of a birth, death, or marriage certificate to an authorized person, as defined, who submits a written, faxed, or digitized image of a request accompanied by a notarized statement, sworn under penalty of perjury, that the applicant is an authorized person. Existing law, until January 1, 2022, additionally authorizes these officials to accept an electronic request for a certified copy of these records if the request is accompanied by an electronic verification of identity and an electronic statement sworn under penalty of perjury. The bill would delete the January 1, 2022, sunset date for authorizing an official to accept an electronic request, thereby applying those provisions indefinitely. By expanding the crime of perjury applicable to an electronic statement sworn under penalty of perjury, the bill would impose a state-mandated local program. The bill would also specify the guidelines for the electronic verification of identity and require the completion of a privacy risk assessment, as required by those guidelines. This bill contains other related provisions and other existing laws.

Position

[AB 819](#) (Levine D) California Environmental Quality Act: notices and documents: electronic filing and posting.

Introduced: 2/16/2021

Status: 2/17/2021-From printer. May be heard in committee March 19.

Location: 2/16/2021-A. PRINT

Summary: (1)The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The act requires the lead agency to mail certain notices to persons who have filed a written request for notices. This bill would require the lead agency and the project applicant to post those notices on their internet website. This bill contains other related provisions and other existing laws.

Position

[AB 886](#) (Bonta D) Public records.

Introduced: 2/17/2021

Status: 2/18/2021-From printer. May be heard in committee March 20.

Location: 2/17/2021-A. PRINT

Summary: Existing law provides specified requirements to ensure uniform recording, reporting, storage, analysis, and dissemination of criminal offender record information by criminal justice agencies in the state. Existing law authorizes a criminal justice agency to destroy the original records maintained pursuant to those provisions if the records have been reproduced onto another storage medium, as specified. Existing law requires that if a record has been reproduced onto optical disk, that the original record be retained for at least one year, as specified, before destruction. This bill would instead require that if a record has been reproduced onto optical disk, that the original record be retained for at least 16 months, as specified, before destruction.

Position

[AB 1093](#) (Jones-Sawyer D) Notaries public: certificate of acknowledgment.

Introduced: 2/18/2021

Status: 2/19/2021-From printer. May be heard in committee March 21.

Location: 2/18/2021-A. PRINT

Summary: Existing law provides for the appointment and commission of notaries public by the Secretary of State. Existing law authorizes the proof or acknowledgment of an instrument to be made before a notary public, as provided, and requires the instrument to be endorsed or have a certificate of acknowledgment attached to it. Existing law requires a certificate of acknowledgment to include a notice at the top of the certificate in an enclosed box stating that the acknowledgment verifies only the identity of the individual who signed the document to which the certificate is attached, and not the truthfulness, accuracy, or validity of the document. This bill would make nonsubstantive changes to

those provisions.

Position

[AB 1168](#) (Calderon D) Vital records: local registrar.

Introduced: 2/18/2021

Status: 2/19/2021-From printer. May be heard in committee March 21.

Location: 2/18/2021-A. PRINT

Summary: Existing law requires the local registrar to take specified action with respect to birth, death, and marriage certificates. Under existing law, the local registrar is required to affix the registrar's signature to each certificate in attest to the date of acceptance for registration in the local registrar's office. This bill would make technical, nonsubstantive changes to these provisions.

Position

[AB 1260](#) (Chen R) California Environmental Quality Act: exemptions: transportation-related projects.

Introduced: 2/19/2021

Status: 2/19/2021-Introduced. To print.

Location: 2/19/2021-A. PRINT

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill contains other existing laws.

Position

[AB 1286](#) (Petrie-Norris D) Marriage: local registrar.

Introduced: 2/19/2021

Status: 2/19/2021-Introduced. To print.

Location: 2/19/2021-A. PRINT

Summary: Existing law requires the State Registrar to create a document, no later than March 1, 2020, with annual updates, containing information received by local registrar concerning marriage certificates in which one or both of the parties were minors at the time of solemnization of the marriage. Existing law requires the local registrar, at least annually, to submit information, as specified, to the State Registrar for those purposes. This bill would require the local registrar to submit that information twice a year, on July 1 and December 31. This bill contains other related provisions and other existing laws.

Position

[SB 33](#) (Cortese D) California Environmental Quality Act: lead agency.

Introduced: 12/7/2020

Status: 1/28/2021-Referred to Com. on RLS.

Location: 12/7/2020-S. RLS.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA defines "lead agency" to mean the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. This bill would make nonsubstantive changes to those provisions.

Position

[SB 44](#) (Allen D) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.

Introduced: 12/7/2020

Status: 1/28/2021-Referred to Coms. on EQ. and JUD.

Location: 1/28/2021-S. E.Q.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR)

on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for environmental leadership transit project, as defined, undertaken by a public agency. The bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements.

Position

[SB 286](#) (Min D) Elections: county officers: consolidation with statewide elections.

Introduced: 2/1/2021

Status: 2/10/2021-Referred to Coms. on E. & C.A. and GOV. & F.

Location: 2/10/2021-S. E. & C.A.

Summary: (1)Existing law requires a candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office to be elected to that office. This bill would exempt from that requirement candidates for county nonpartisan offices, including a county office in a charter county, but not including a charter city and county, and would require the candidates who received the highest and second highest number of votes cast for nomination to that office to be placed on the ballot at the ensuing general election. By imposing new duties on counties, including county elections officials, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

[SB 554](#) (Archuleta D) Cities and counties: publications at public expense: distribution.

Introduced: 2/18/2021

Status: 2/19/2021-From printer. May be acted upon on or after March 21.

Location: 2/18/2021-S. RLS.

Summary: Existing law prescribes powers and duties that are common to cities and counties. In this regard, existing law requires the legislative body of these entities, among others, to furnish the applicable clerk 3 copies of each printed, mimeographed, or processed book, pamphlet, report, bulletin, or other publication issued by them at the expense of the local agency and the clerk is, in turn, required to send copies to specified repositories for reference use in those institutions. This bill would increase the number of each printed, mimeographed, or processed book, pamphlet, report, bulletin, or other publication that is required to be provided to a clerk, as described above, to 5 copies. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

Total Measures: 17

Total Tracking Forms: 17