

2015 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY CLERKS



2015 New Law Workbook

Presented by

**California Association of Clerks and
Election Officials**

Legislative Committee

Sacramento, California

December 10, 2015

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2015 Chaptered Bill Analysis

Bill Number:	AB 169
Chapter Number:	737
Author:	Maienschein
Topic:	Local government: public records: Internet
Impact:	Information Only
Summary:	<p>Establishes guidelines and uniformity for local agencies that choose to post "open" records on their websites.</p> <p>This bill requires a local agency, except a school district, that maintains an Internet website described as "open data" and chooses to post public records on that website to use a format that:</p> <ul style="list-style-type: none">• Can be retrieved, downloaded, indexed, and electronically searched by commonly used Internet search applications;• Is platform independent and machine readable;• Is available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record; and• Retains the data definitions and structure present when the data was compiled, if applicable.
Effect:	Adds Section 6253.10 to the Government Code, relating to local government.
Actions Required:	None – unless you post “open data” on your website.
Presenter:	Melinda Greene, Santa Barbara County
Notes:	<p>This bill passed the Assembly with unanimous votes.</p> <p>Be aware that the media is prepared to criticize local agencies that choose to oppose the bill since they want more data free of charge.</p>

2015 Chaptered Bill Analysis

Bill Number:	AB 181
Chapter Number:	430
Author:	Bonilla
Topic:	Business and professions
Impact:	Minor
Summary:	<p>Adds “California” to the Secretary of State references in Sections 17913(e) and (f) of the Business and Professions Code, related to Fictitious Business Names.</p> <p>The revised sections specify that the county clerk may require “documentary evidence issued by the California Secretary of State” in order to verify the current existence and good standing of a business.</p>
Effect:	<p>Amends Sections 5055, 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7303, 7303.2, 7313, 7395.1, 7401, 7404, 7407, 7685, 7818, 8508, 8513, 8552, 8611, and 17913 of, adds Sections 7314.3 and 7402.5 to, and repeals Sections 7304, 7308, and 8516.5 of, the Business and Professions Code, and amends Section 13995.40 of the Government Code, relating to business and professions.</p>
Actions Required:	Add comments to the CRM
Presenter:	Jaime Pailma, Los Angeles County
Notes:	Counties will have a code section, supporting enforcement of California Secretary of State verification only and excluding out-of-state verifications.

2015 Chaptered Bill Analysis

Bill Number: AB 285

Chapter Number: 295

Author: Gallagher

Topic: Professions and vocations: registration

Impact: Important

Summary: This bill makes several substantial changes regarding the filings of professional registrations for Legal Document Assistants, Unlawful Detainer Assistants, Process Servers, and Professional Photocopiers:

1. Repeals secondary registration requirements that require LDAs and UDAs to register in every county in which they do business, and instead require the LDA or UDA to register in any county in which he or she maintains a branch office, in addition to his or her principal place of business.
2. This bill requires that an applicant for renewal of registration as a LDAs or UDAs to complete 15 hours of continuing education courses that meet specified requirements relating to attorneys during the 2-year period preceding renewal. Applicants must state that they have completed the required continuing education courses, under penalty of perjury, on their application for renewal.
3. Requires the county clerk to assign the same registration number to a registrant in any of the professional registrations: LDAs, UDAs, Process Servers or Professional Photocopiers provided the applicant is renewing registration in the same county in which he or she was previously registered and there is no lapse of three years or more in the period of registration.
4. This bill changes the information that registrants must include in solicitations, advertisements, websites, and on paper or electronic documents prepared or used by the registrant.

2015 Chaptered Bill Analysis

Summary (cont'd):

5. This bill prescribes the proper county of venue in civil actions for LDAs and UDAs and clarifies conditions to meet this requirement.
6. This bill recasts the provision of LDAs and UDAs regarding notice requirements. This bill also requires certain information regarding the County Clerk's office of registration to be included on specified contracts and agreements.

Effect: Amends Sections 6400, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6410, 6410.5, 22355, and 22457 of, adds Sections 6401.7, 6402.2, and 6409.1 to, and repeals Chapter 5.5 (commencing with Section 6400) of Division 3 of, the Business and Professions Code, relating to professions and vocations.

Actions Required: Update application forms and filing instructions for Legal Document Assistants, Unlawful Detainer Assistants, Process Servers and Professional Photocopiers.

Update office procedures to assign the same registration number to a registrant in any of the above-described professions, provided the applicant is renewing registration in the same county in which he or she was previously registered, and there is no lapse of three years or more in the period of registration.

Presenter: Kammi Foote, Inyo County

Notes: California Business and Professions Code 6403(a) conflicts with the California Code of Regulations Title 16, 3900, regarding the format of the application for LDAs and UDAs. Per BPC Section 6402, the form for these registrations shall be developed by the Department of Consumer Affairs (DCA). However, since DCA has indicated that they may not update the form for 12-18 months, example forms are included in this workbook for your use.

It is advised that you discuss this issue with your County Counsel.

AB 285 – LDA Form Requirements B&P 6400-6416 vs. Regulations

Statute (2016)	Language	Regulation	Language
B&P 6402	The Department of Consumer Affairs shall develop the application required to be completed by a person for purposes of registration as a legal document assistant.	CCR Title 16, Division 38, Chapter 5, Articles 1 (2015)	(a) Every individual who wishes to register as a legal document assistant as defined in paragraph (1) of subdivision (c) of section 6400 of the Business and Professions Code shall complete the following form and submit it to the county clerk in each county where the individual performs acts for which registration is required
Individual filing B&P 6403(a)(1)	Applicant's name, age , address, and telephone number	Section 3900(a)A.	Name, Date of Birth , Business Name , Business Address , Business Telephone Number .
Corporation/Partnership filing B&P 6403(c)(1)	The names, ages, addresses , and telephone numbers of the general partners or officers	Section 3900(b)A.	Name of Corporation or Partnership, Business Name, Business Address , Telephone number, Name of Each Corporate Officer or General Partner, Date of Birth of Each Corporate Officer or General Partner.
Individual filing B&P 6403(b)	The application for registration of a natural person shall be accompanied by the display of personal identification, such as a California driver's license, birth certificate, or other identification acceptable to the county clerk to adequately determine the identity of the applicant.	Section 3900(a)A.	California Driver's License Number: _____ (or other personal identification that is acceptable to the county clerk)
Individual filing B&P 6403(a)(7)	If the application is for a renewal of registration , a statement by the applicant that he or she has completed the legal education courses required by Section 6402.2.	None	
Corporation/Partnership filing B&P 6403(c)(7)			
Individual filing B&P 6403(a)(2)	Whether he or she has been convicted of a felony, or of a misdemeanor under Section 6126 or 6127, or found liable under Section 6126.5.	Section 3900(a)D,1&2.	1. I have been convicted of a felony (attach certified copies of each conviction and disposition). 2. I have been convicted of misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code s 6126 or s 6127.
Corporation/Partnership filing B&P 6403(c)(2)	Whether the general partners or officers have ever been convicted of a felony, or a misdemeanor under Section 6126 or 6127, or found liable under Section 6126.5.	Section 3900(b)E,1&2.	1. An officer or general partner has been convicted of a felony. 2. An officer or general partner has been convicted of misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code s 6126 or s 6127.

**INDIVIDUAL
REGISTRATION AS LEGAL DOCUMENT ASSISTANT
COUNTY OF: _____**

☐ **Primary Registration**

☐ **Secondary Registration - List County of Primary Registration: _____**

Registration Number: _____)

If a renewal, a new # must be assigned if there is any
lapse in the period of registration.)

Expiration Date: _____)

Two years from date of filing/renewal of registration)

Filing Fees)

Filing registration: \$180.00)

Filing bond: 25.00)

Total fee payable to County Clerk \$205.00)

Each additional ID card \$ 10.00)

payable to County Clerk)

**Additional Fee payable by separate check
to County Recorder**)

Record the bond - 1st page of bond \$ 15.00)

each additional page of bond 3.00)

=====

Completely fill in all personal information requested in Part A. Check each applicable box in Parts B-E and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified).

You must sign the completed application under penalty of perjury.

A. Personal Information

Name: _____ Date of Birth: _____

Business Name: _____

Business Address: _____

Business Telephone Number: _____

CA Driver's License Number
(or other personal identification that is acceptable to the County Clerk): _____

B. Education and Experience

I. Paralegal program/ABA School

- ☐ a. I have earned a certificate of completion from a paralegal program that is approved by the American Bar Association (attach copy of certificate of completion).

2. Paralegal Program/Non-ABA School

- ☐ a. I have earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion)

AND

- b. I successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript).
Number of semester units (or the equivalent) _____

3. College or University

- ☐ a. I have a bachelor's degree in _____ (attach copy of diploma)
(List field)

AND

- ☐ b. I have completed at least one year of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

- ☐ I completed at least one year of experience providing self-help service as defined by Business and Professions Code 6400 (d) before January 1, 1999 (attach original statement describing the scope and dates of your experience)

4. High School or General Equivalency Diploma

- ☐ a. I have a high school diploma (attach copy of diploma)

OR

- ☐ I have a general equivalency diploma (attach copy of diploma)

AND

- ☐ b. I have completed at least two years of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

- ☐ I completed at least two years of experience providing self-help service as defined by Business and Professions Code 6400 (d) before January 1, 1999 (attach original statement describing the scope and dates of your experience).

C. Civil Judgment

1. Have you been held liable in a final judgment or a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice? ☐ **YES** ☐ **NO** (attach certified copy of each judgment)
2. Have you had a civil judgment entered against you in an action arising out of your negligent, reckless or willful failure to properly perform your obligation as a legal document assistant or an unlawful detainer assistant? ☐ **YES** ☐ **NO** (attach certified copy of each judgment)

D. Criminal Conviction (Note: Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code 1203.4 must be included.)

1. Have you been convicted of a felony? ☐ **YES** ☐ **NO** (attach certified copies of each conviction and disposition)
2. Have you been convicted of a misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code 6126 or 6127? ☐ **YES** ☐ **NO** (attach certified copies of each conviction and disposition)
3. Have you been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants at Business and Professions Code 6400-6416? ☐ **YES** ☐ **NO** (attach certified copies of each conviction and disposition)

E. Revocation of Registration / Disbarment or Suspension

1. Have you had registration as a legal document assistant or an unlawful detainer assistant revoked by a County Clerk under Business and Professions Code 6413? ☐ **YES** ☐ **NO** (attach certified copy of each revocation)
2. Are you presently disbarred or suspended from the practice of law pursuant to Business and Professions Code 6100-6117? ☐ **YES** ☐ **NO** Date of Disbarment or Suspension _____

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct.

Signature: _____

Date: _____

Space above for County Clerk use only

**INDIVIDUAL APPLICATION FOR REGISTRATION AS A
LEGAL DOCUMENT ASSISTANT COUNTY OF _____**

INSTRUCTIONS: Completely fill in all personal information requested in Part A. Check each applicable box in Parts B-E and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). You must sign the completed application under penalty of perjury.

Please **TYPE** or **PRINT** legibly and firmly in **BLACK** ink. Neither the County Clerk nor his deputies are permitted by law to give legal advice and/or assistance. This filing will be a public record and there are no refunds.

Registration Number: _____

If a renewal, a new # must be assigned if there is a lapse of three years or more in the period of registration.

Expiration Date: _____

Two years from date of filing or bond expiration

Filing Fees:

Filing registration: \$180.00

Filing bond \$ 25.00

Each additional ID card \$ 10.00

Additional Fees:

Record the bond – 1st page of bond \$ 15.00

Each additional page of bond \$ 3.00

Completely fill in all personal information requested in Part A. Check each applicable box in Parts B-E and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). You must sign the completed application under penalty of perjury.

A. Personal Information

First Name	Middle Initial	Last Name	Date of Birth
Business Name			
Business Address	City	State	Zip Code
Business Telephone Number			
California Driver's License Number (or other personal identification that is acceptable to the County Clerk)			

B. Education and Experience

1. ☐ Paralegal program/ABA School

I have earned a certificate of completion from a paralegal program that is approved by the American Bar Association (attach copy of certificate of completion).

2. ☐ Paralegal Program/Non-ABA School

I have earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion) **AND** I successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript). Number of semester units (or the equivalent) _____

3. ☐ College or University

☐ I have a bachelor's degree in _____ (attach copy of diploma)
(List field)

AND

☐ I have completed at least one year of law - related experience working under the supervision of a licensed attorney (must present original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience).

OR

☐ I completed at least one year of experience providing self-help service as defined by Business and Professions Code §6400 (d) before January 1, 1999 (attach original statement describing the scope and dates of your experience).

4. ☐ High School or General Equivalency Diploma

☐ I have a high school diploma (attach copy of diploma).

OR

☐ I have a general equivalency diploma (attach copy of diploma)

AND

☐ I have completed at least two years of law-related experience working under the supervision of a licensed attorney (must present original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience).

OR

☐ I completed at least two years of experience providing self-help service as defined by Business and Professions Code §6400 (d) before January 1, 1999 (must present original statement describing the scope and dates of your experience).

C. Civil Judgment

1. Have you been held liable in a final judgment or entry of a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice?

☐ Yes (attach certified copy of each judgment).

☐ No

2. Have you had a civil judgment entered against you in an action arising out of your negligent, reckless or willful failure to properly perform your obligation as a Legal Document Assistant or an Unlawful Detainer Assistant?

☐ Yes (attach certified copy of each judgment).

☐ No

D. Criminal Conviction (Note: Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code §1203.4 must be included).

1. Have you been convicted of felony?
☐ Yes (attach certified copies of each conviction and disposition) ☐ No
2. Have you been convicted of a misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code §6126 or §6127, or found liable under Section 6126.5?
☐ Yes (attach certified copies of each conviction and disposition) ☐ No
3. Have you been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants pursuant to Business and Professions Code §6400-6416?
☐ Yes (attach certified copies of each conviction and disposition) ☐ No

E. Revocation of Registration/Disbarment or Suspension

1. Have you had registration as a legal document assistant or an unlawful detainer assistant revoked by a County Clerk pursuant to Business and Professions Code §6413?
☐ Yes (attach certified copy of each revocation) ☐ No

RENEWAL OF REGISTRATION

To be eligible to renew registration, registrant shall complete 15 hours of continuing legal education courses during the two-year period preceding renewal.

- ☐ I have completed the legal education courses required by Business and Professions Code Section 6402.2

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct and that I am not currently disbarred or suspended from the practice of law pursuant to Business and Professions Code §6100-6117.

Signature

Date

Place of Execution

**CORPORATION or PARTNERSHIP
REGISTRATION AS LEGAL DOCUMENT ASSISTANT
COUNTY OF: _____**

[] Primary Registration

[] Secondary Registration - List County of Primary Registration: _____

Registration Number: _____)

If a renewal, a new # must be assigned if there is any
lapse in the period of registration.)

Expiration Date: _____)

Two years from date of filing/renewal of registration)

Filing Fees)

Filing registration: \$180.00)

Filing bond: 25.00)

Total fee payable to County Clerk \$205.00)

Each additional ID card \$ 10.00)

payable to County Clerk)

**Additional Fee payable by separate check
to County Recorder**)

Record the bond - 1st page of bond \$ 15.00)

each additional page of bond 3.00)

=====

Completely fill in all business and personal information requested in Part A. Check each applicable box in Parts B-F and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). The completed application must be signed under penalty of perjury by a senior executive officer or a general partner

A. Business and Personal Information

Name of Corporation or Partnership: _____

Business Name: _____

Business Address: _____

Telephone Number: _____

Number of legal document assistants employed by the corporation or partnership:

[] One to Four (\$25,000 bond) [] Five to Nine (\$50,000 bond) [] Ten or More (\$100,000 bond)

Name and date of birth of each Corporate Officer or General Partner:

(1) Name _____ Date of Birth: _____

(2) Name _____ Date of Birth: _____

(3) Name _____ Date of Birth: _____

(4) Name _____ Date of Birth: _____

B. Education and Experience (Note: This information must be provided for at least one corporate officer or general partner)

Name of corporate officer or general partner for whom education and experience information is provided: _____

1. Paralegal Program/ABA School

- ☐ a. The above-named officer or partner has earned a certificate of completion from a paralegal program that is accredited by the American Bar Association (attach copy of certificate of completion)

2. Paralegal Program/Non-ABA School

- ☐ a. The above-named officer or partner has earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion)

AND

- b. The above-named officer or partner has successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript).
Number of semester units (or the equivalent) _____

3. College or University

- ☐ a. The above-named officer or partner has a bachelor's degree in _____
(attach copy of diploma) (List field)

AND

- ☐ b. The above-named officer or partner has completed at least one year of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

- ☐ The above-named officer or partner completed at least one year of experience providing self-help service as defined by Business and Professions Code 6400 (d) before January 1, 1999 (attach original statement describing the scope and dates of your experience)

4. High School or General Equivalency Diploma

- ☐ a. The above-named officer or partner has a high school diploma (attach copy of diploma)

OR

- ☐ The above-named officer or partner has a general equivalency diploma (attach copy of diploma)

AND

- ☐ b. The above-named officer or partner has completed at least two years of law-related experience working under the supervision of a licensed attorney (attach original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience)

OR

- ☐ The above-named officer completed at least two years of experience providing self-help service as defined by Business and Professions Code 6400 (d) before January 1, 1999 (attach original statement describing the scope and dates of your experience).

C. Disbarment/Suspension (Note: This information must be provided for each corporate officer or general partner)

1. Is any officer or general partner presently disbarred or suspended from the practice of law pursuant to Business and Professions Code 6100-6117? ☐ **YES** ☐ **NO**

Name of corporate officer(s) or general partner(s) for whom disbarment/suspension information is provided: _____

Date of disbarment or suspension: _____

D. Civil Judgment (Note: This information must be provided for each corporate officer or general partner)

1. Has any officer or general partner been held liable in a final judgment or a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice? ☐ **YES** ☐ **NO** (attach certified copy of each judgment)

Name of corporate officer(s) or general partner(s) for whom judgment information is provided: _____

2. Has any officer or general partner had a civil judgment entered against him or her in an action arising out of negligent, reckless or willful failure to properly perform the obligation of a legal document assistant or an unlawful detainer assistant? ☐ **YES** ☐ **NO** (attach certified copy of each judgment)

Name of corporate officer(s) or general partner(s) for whom judgment information is provided: _____

E. Criminal Conviction (Note: This information must be provided for each corporate officer or general partner. Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code 1203.4 must be included.)

1. Has any officer or general partner been convicted of a felony? ☐ **YES** ☐ **NO** (attach certified copies of each conviction and disposition)

Name of corporate officer(s) or general partner(s) for whom conviction information is provided: _____

2. Has any officer or general partner been convicted of a misdemeanor unlawful practice of law or contempt of the authority of a court under Business and Professions Code 6126 or 6127?

☐ **YES** ☐ **NO** (attach certified copies of each conviction and disposition)

Name of corporate officer(s) or general partner(s) for whom conviction information is provided: _____

3. Has any officer or general partner been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants at Business and Professions Code 6400-6416? ☐ YES ☐ NO (attach certified copies of each conviction and disposition)

Name of corporate officer(s) or general partner(s) for whom conviction information is provided: _____

F. Revocation of Registration (NOTE: This information must be provided for each corporate officer or general partner)

1. Has any officer or general partner had a registration as a legal document assistant or an unlawful detainer assistant revoked by a County Clerk under Business and Professions Code 6413?

☐ YES ☐ NO (attach certified copy of each revocation)

Name of corporate officer(s) or general partner(s) for whom revocation information is provided: _____

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct.

Signature*: _____

Title: _____

Date: _____

Signature*: _____

Title: _____

Date: _____

***Corporate applicant:** Application must be signed by: The Chairman of the Board or the President; or by any Vice President **AND** the Secretary, any Assistant Secretary, the Chief Financial Officer or any Assistant Treasurer.

***Partnership applicant:** Application must be signed by at least one general partner.

Space above for County Clerk use only

CORPORATION OR PARTNERSHIP APPLICATION FOR REGISTRATION AS A LEGAL DOCUMENT ASSISTANT COUNTY OF _____

Please **TYPE** or **PRINT** legibly and firmly in **BLACK** ink. Neither the County Clerk nor his deputies are permitted by law to give legal advice and/or assistance. This filing will become a public record and there are no refunds.

INSTRUCTIONS: Completely fill in all business and personal information requested in Part A. Check each applicable box in Parts B-F and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). The completed application must be signed under penalty of perjury by a senior executive officer or a general partner.

Registration Number: _____ **Expiration Date:** _____
If a renewal, a new # must be assigned if there is a lapse of three years or more in the period of registration. Two years from date of filing or bond expiration

Filing Fees:

Filing registration:	\$180.00
Filing bond	\$ 25.00
Each additional ID card	\$ 10.00

Additional Fees:

Record the bond – 1 st page of bond	\$15.00
Each additional page of bond	\$ 3.00

Completely fill in all business and personal information requested in Part A. Check each applicable box in Parts B-E and provide information as requested for each box that is checked. Attach legible copies of all documents requested for each box that is checked (attach certified copies and originals as specified). The completed application must be signed under penalty of perjury by a senior executive officer or general partner.

A. Business and Personal Information

Name of Corporation or Partnership

Business Name

Business Street Address

City

State

Zip Code

Telephone Number

Number of legal document assistants employed by the corporation or partnership

☐ One to four (\$25,000 bond)

☐ Five to nine (\$50,000 bond)

☐ Ten or more (\$100,000 bond)

List the name, address, telephone number and age of each corporate officer or general partner:			
(1) Name	Date of Birth	Telephone Number	
(1) Address	City	State	Zip Code
(2) Name	Date of Birth	Telephone Number	
(2) Address	City	State	Zip Code
(3) Name	Date of Birth	Telephone Number	
(3) Address	City	State	Zip Code
(4) Name	Date of Birth	Telephone Number	
(4) Address	City	State	Zip Code
(5) Name	Date of Birth	Telephone Number	
(5) Address	City	State	Zip Code
(6) Name	Date of Birth	Telephone Number	
(6) Address	City	State	Zip Code

B. Education and Experience (Note: This information must be provided for at least one corporate officer or general partner)

Name of corporate officer or general partner for whom education and experience information is provided:

1. ☐ Paralegal program/ABA School

The above-named officer or partner has earned a certificate of completion from a paralegal program that is accredited by the American Bar Association (attach copy of certificate of completion).

2. ☐ Paralegal Program/Non-ABA School

The above-named officer or partner has earned a certificate of completion from a paralegal program that is institutionally accredited but that is not approved by the American Bar Association (attach copy of certificate of completion) **AND** the above-named officer or partner has successfully completed a minimum of 24 semester units (or the equivalent) in legal specialization courses (attach copy of transcript). Number of semester units (or the equivalent) _____.

3. ☐ College or University

☐ The above-named officer or partner has a bachelor's degree in _____ (List field and attach copy of diploma)

AND

☐ the above-named officer or partner has completed at least one year of law-related experience working under the supervision of a licensed attorney (must present original statement on the attorney's letterhead signed by the attorney describing the scope and dates of your experience).

OR

☐ The above-named officer or partner completed at least one year of experience providing self-help service as defined by Business and Professions Code §6400(d) before January 1, 1999 (attach original statement signed by the officer or partner describing the scope and dates of this experience).

4. ☐ **High School or General Equivalency Diploma**

☐ The above-named officer or partner has a high school diploma (attach copy of diploma).

OR

☐ The above-named officer or partner has a general equivalency diploma (attach copy of diploma)

AND

☐ The above-named officer or partner has completed at least two years of law-related experience working under the supervision of a licensed attorney (must present original statement on the attorney's letterhead signed by the attorney describing the scope and dates of this experience).

OR

☐ The above-named officer completed at least two years of experience providing self-help service as Defined by Business and Professions Code §6400(d) before January 1, 1999 (attach original statement signed by the officer or partner describing the scope and dates of this experience).

C. Disbarment/Suspension (Note: This information must be provided for each corporate officer or general partner).

Is any officer or general partner presently disbarred or suspended from the practice of law pursuant to Business and Professions Code §6100-6117?

☐ Yes. Date of disbarment or suspension: _____ ☐ No

Name of corporate officer(s) or general partner(s) _____

D. Civil Judgment (Note: This information must be provided for each corporate officer or general partner)

1. Has any officer or general partner been held liable in a final judgment or entry of a stipulated judgment entered in a civil action that alleged fraud, use of an untrue or misleading representation, or use of an unfair, unlawful or deceptive business practice?

☐ Yes (attach certified copy of each judgment). ☐ No

Name of corporate officer(s) or general partner(s) for whom judgment information is provided:

2. Has any officer or general partner had a civil judgment entered against him or her in an action arising out of negligent, reckless or willful failure to properly perform the obligation of a legal document assistant or an unlawful detainer assistant?

☐ Yes (attach certified copy of each judgment). ☐ No

Name of corporate officer(s) or general partner(s) for whom judgment information is provided:

E. Criminal Conviction (Note: This information must be provided for each corporate officer or general partner. Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any conviction dismissed under Penal Code §1203.4 must be included).

1. Has any officer or general partner been convicted of a felony?

☐ Yes (attach certified copies of each conviction and disposition) ☐ No

Name of corporate officer(s) or general partner(s) for whom conviction information is provided:

2. Has any officer or general partner been convicted of a misdemeanor unlawful practice of law or the contempt of the authority of a court under Business and Professions Code §6126 or §6127, or found liable under Section §6126.5?
- ☐ Yes (attach certified copies of each conviction and disposition) ☐ No
- Name of corporate officer(s) or general partner(s) for whom conviction information is provided:
-
3. Has any officer or general partner been convicted of a misdemeanor violation of the provisions on legal document assistants and unlawful detainer assistants under Business and Professions Code §6400-6416?
- ☐ Yes (attach certified copies of each conviction and disposition) ☐ No
- Name of corporate officer(s) or general partner(s) for whom conviction information is provided:
-

F. Revocation of Registration (NOTE: This information must be provided for each corporate officer or general partner)

Has any officer or general partner had a registration as a legal document assistant or an unlawful detainer assistant revoked by a county clerk pursuant to Business and Professions Code §6413?

- ☐ Yes (attach certified copy of each revocation) ☐ No
- Name of corporate officer(s) or general partner(s) for whom revocation information is provided:
-

RENEWAL OF REGISTRATION

To be eligible to renew registration, registrant shall complete 15 hours of continuing legal education courses during the two-year period preceding renewal.

- ☐ I have completed the legal education courses required by Business and Professions Code Section 6402.2

I declare under penalty of perjury under the laws of the State of California that all information on this application and on all accompanying documents is true and correct.

*Signature

Title

Date

Place of Execution

*Signature

Title

Date

Place of Execution

***Corporate applicant:** Application must be signed by: The chairman of the board or the president; or by any vice president **AND** the secretary, any assistant secretary, the chief financial officer or any assistant treasurer.

***Partnership applicant:** Application must be signed by at least one general partner.

2015 Chaptered Bill Analysis

Bill Number: AB 380

Chapter Number: 196

Author: Waldron

Topic: Marriage: putative spouses

Impact: Information Only

Summary: Existing law requires the court, if a determination is made that a marriage is void or voidable and the court finds that either party (or both parties) believed in good faith that the marriage was valid, to declare the party or parties to have the status of a putative spouse and to divide the quasi-marital property that would have been community property or quasi-community property if the union had not been void or voidable.

This bill provides that a court, may not declare parties to be putative spouses or divide quasi-marital property as if the marriage had not been void or voidable, unless requested to do so by the party or parties who believed in good faith that the marriage was valid.

Effect: Amends Section 2251 of the Family Code, relating to marriage.

Actions Required: None

Presenter: David Valenzuela, Ventura County

2015 Chaptered Bill Analysis

Bill Number: AB 630

Chapter Number: 365

Author: Linder

Topic: Public officers and employees: oath of office

Impact: Important

Summary: Authorizes a county Board of Supervisors to:

- Require a new oath or affirmation to be filed within 10 days of a county employee changing: his or her legal name, delegated authority, or department, and would apply to every elected or appointed county officer or department head, disaster service worker, and county appointed deputy;
- Require an appointing authority to file a revocation with the County Clerk in the event of an officer's departure from office, thus giving notice to the County Clerk when an elected or appointed officer leaves office so that the records can be updated.

This bill also allows a county to maintain a record of each person required to file a new oath of office, to indicate whether the person has complied, and clarifies that any record maintained in this manner is a public record that is subject to disclosure under the California Public Records Act.

Failure to file a new oath of office pursuant to the bill's provisions shall not be punishable as a crime.

Effect: Amends Sections 1363, 3105, and 24102 of the Government Code, relating to public employment.

Actions Required: County Clerks should ensure that all oaths of offices to be filed (or already filed) with the County Clerk, are updated within 10 days of a change in name, department, or title, and establish a method to maintain a record of each person required to file an oath and whether or not the person has complied.

Presenter: Olga Lobato, Marin County

2015 Chaptered Bill Analysis

Bill Number:	AB 778
Chapter Number:	84
Author:	Maienschein
Topic:	Fees: military service records
Impact:	Information Only
Summary:	<p>Allows a County Recorder to conduct or furnish a free certified copy of any military document or report, of any member of the U.S. Armed Forces, to an applicant pursuant to existing law if the recorder receives a written, faxed, or digitized image of a request for military discharge documents, accompanied by an original, or faxed copy or digitized image of, a notarized statement sworn under penalty of perjury, that the requester meets one of the descriptions of persons allowed.</p> <p>Prohibits the Recorder from providing a certified copy if any of the notary's information is illegible or not immediately adjacent to, the notary's signature in the acknowledgment.</p> <p>Requires the Recorder, for in-person requests, to take a statement sworn under penalty of perjury that the requester is signing his or her own legal name and is an authorized person.</p> <p>"Digitized Image" is defined as an image of an original paper request for a certified copy of military records.</p>
Effect:	Amends Section 6107 of the Government Code, relating to fees.
Actions Required:	Inform staff of new requirements related to requests for certified copies of military records.
Presenter:	Olga Lobato, Marin County
Notes:	Clean-up legislation may be introduced to clarify 6107(a) "A public entity including the state..." to mean any state agency not limited to the State of California.

2015 Chaptered Bill Analysis

Bill Number:	AB 1036
Chapter Number:	42
Author:	Quirk
Topic:	Notaries public: acceptance of identification
Impact:	Information Only
Summary:	Authorizes reliance on any form of inmate identification issued by a sheriff's department, if the ID is current or issued within 5 years, to prove the identity of an individual in custody in a local detention facility.
Effect:	Amends Section 1185 of the Civil Code, relating to notaries public.
Actions Required:	None
Presenter:	Teresa Williamson, San Joaquin County

2015 Chaptered Bill Analysis

Bill Number:	SB 146
Chapter Number:	129
Author:	Galgiani
Topic:	Real estate licensees: fictitious business names: team names
Impact:	Minor
Summary:	Clarifies existing law on real estate “team names” and “fictitious business names” (FBN) and narrows the definition of an FBN’s “responsible broker’s identity” to the name used by the responsible broker to operate or conduct business in general for the real estate firm.
Effect:	Amends Sections 10159.5, 10159.6, and 10159.7 of the Business and Professions Code, relating to real estate licensees. Urgency Measure – Effective Immediately
Actions Required:	Add comments to the CRM
Presenter:	Monique Blakely, Los Angeles County
Notes:	<p>FBN law, as known and understood by County Clerks, Registrars, and Recorders, is unchanged by this bill.</p> <ul style="list-style-type: none">• A “team name” is not and never was a recognized legal entity, so forms do not need to be changed.• An FBN can include "team," but there must be an underlying legal entity (i.e., "Turner Team" as an LLP), and it must meet all other FBN requirements.• When applying for a real estate license, an applicant cannot state that the team name he or she uses is an FBN, and thus have the license issued in the team name.• If licensees operating under a team name want to get an FBN, they apparently can, but it would be through the County Recorder and not BRE.

2015 Chaptered Bill Analysis

Bill Number:	SB 184
Chapter Number:	269
Author:	Committee on Governance and Finance
Topic:	Local government: omnibus bill
Impact:	Information Only
Summary:	<p>Clarifies the definition of “clerk,” as used in several statutes governing local governments’ sanitary sewer functions and business improvement districts, to mean the clerk of the local agency’s legislative body.</p> <p>This bill also makes various minor and non-controversial changes, such as eliminating gender-specific language, and conforms state law to current document recording practices.</p>
Effect:	<p>Amends Sections 27202, 27203, 27203.5, 27210, 27211, 27230, 27231, 27256, 27257, 27320, 27321, 27321.5, 27360, 66497, and 66499.7 of, and repeals Section 27251 of, the Government Code; amends Sections 5470, 5473.4, 5474.4, and 5474.5 of the Health and Safety Code; amends Sections 20150.1, 20200, 22010, 22014, 22015, 22017, 22030, 22034, 22036, 22039, 22043, and 22044 of, and adds Section 22042.5 to, the Public Contract Code; amends Sections 8333, 8335, 36627, 36705, and 36718 of, and adds Section 36509.5 to, the Streets and Highways Code; and amends Sections 35406 and 37921 of the Water Code, relating to local government.</p>
Actions Required:	None
Presenter:	David Valenzuela, Ventura County
Notes:	CRAC sponsored bill

2015 Chaptered Bill Analysis

Bill Number:	SB 272
Chapter Number:	795
Author:	Hertzberg
Topic:	The California Public Records Act: local agencies: inventory
Impact:	Information Only
Summary:	<p>Requires each local agency, except a local educational agency, to create a catalog of Enterprise Systems, to make the catalog publicly available and to post the catalog prominently on the local agency's Internet Web site.</p> <p>"Enterprise system" means a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both of the following:</p> <ol style="list-style-type: none">1. A multi-departmental system or a system that contains information collected about the public.2. A system of record. <p>"System of record" means a system that serves as an original source of data within an agency.</p>
Effect:	Adds Section 6270.5 to the Government Code, relating to public records.
Actions Required:	Determine if your office maintains any Enterprise Systems as defined in Government Code 6270.5(c)(1) and work with the designated local agency representative to provide information for the catalog if requested.
Presenter:	Kammi Foote, Inyo County
Notes:	The local agency must complete and post the catalog by July 1, 2016, and update it annually thereafter.



High Interest Bills

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California Association of Clerks and Election Officials

Bill Analysis Form

Bill Number:	AB 1546
Bill/Amended Date:	September 9, 2015
Author:	Olsen
Coauthors:	Daly and Ting
Topic:	Vital records: copies
Legislative Intent:	To change what security features should be present on a copy of a vital record. The bill has an urgency clause.
CACEO Platform Position:	Support
Summary:	This bill would authorize a certified copy of a birth, death, or marriage record to include a feature other than intaglio print that provides equal or greater security protection than intaglio print.
Recommended Position:	Support
Notes:	Date Introduced: 09/09/2015 Currently in the house of origin (Assembly)

Prepared By: Santa Clara County

Date: October 20, 2015

ASSEMBLY BILL

No. 1546

**Introduced by Assembly Member Olsen
(Coauthors: Assembly Members Daly and Ting)**

September 9, 2015

An act to amend Section 103526.5 of, and to add Section 103526.6 to, the Health and Safety Code, relating to vital records, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1546, as introduced, Olsen. Vital records.

Existing law prescribes specified personal information to be included on birth, death, and marriage certificates. Under existing law, a certified copy of a birth or death record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a statement sworn under penalty of perjury that the applicant is an authorized person. Existing law also requires that each certified copy of a birth, death, or marriage record contain specified information and be printed on sensitized security paper with specified features, including, among others, intaglio print.

This bill would authorize a certified copy of a birth, death, or marriage record to include a feature other than intaglio print that provides equal or greater security protection than intaglio print.

Existing law requires the State Registrar to appoint a Vital Records Protection Advisory Committee to study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth, death, and marriage certificates while providing needed access to the information contained in those records by persons seeking it for a legitimate purpose.

This bill would require the State Registrar, in consultation with the County Recorders' Association of California and other stakeholders, to study the feasibility of the continued use of intaglio print and the implementation of different security features for paper used to print a vital record. The bill would require the State Registrar to submit a report to the Legislature, on or before January 1, 2017, that contains the findings of that study and legislative recommendations pertaining to those findings.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 103526.5 of the Health and Safety Code
- 2 is amended to read:
- 3 103526.5. (a) Each certified copy of a birth, death, or marriage
- 4 record issued pursuant to Section 103525 shall include the date
- 5 issued, the name of the issuing officer, the signature of the issuing
- 6 officer, whether that is the State Registrar, local registrar, county
- 7 recorder, or county clerk, or an authorized facsimile thereof, and
- 8 the seal of the issuing office.
- 9 (b) All certified copies of birth, death, and marriage records
- 10 issued pursuant to Section 103525 shall be printed on chemically
- 11 sensitized security paper that measures 8 $\frac{1}{2}$ inches by 11 inches
- 12 and that has the following features:
- 13 (1) ~~Intaglio print.~~ *print, or another feature that provides equal*
- 14 *or greater security protection.*
- 15 (2) Latent image.
- 16 (3) Fluorescent, consecutive numbering with matching barcode.
- 17 (4) Microprint line.
- 18 (5) Prismatic printing.
- 19 (6) Watermark.
- 20 (7) Void pantograph.
- 21 (8) Fluorescent security threads.
- 22 (9) Fluorescent fibers.
- 23 (10) Any other security features deemed necessary by the State
- 24 Registrar.

1 (c) The State Registrar, local registrars, county recorders, and
2 county clerks shall take precautions to ensure that uniform and
3 consistent standards are used statewide to safeguard the security
4 paper described in subdivision (b), including, but not limited to,
5 the following measures:

6 (1) Security paper shall be maintained under secure conditions
7 so as not to be accessible to the public.

8 (2) A log shall be kept of all visitors allowed in the area where
9 security paper is stored.

10 (3) All spoilage shall be accounted for and subsequently
11 destroyed by shredding on the premises.

12 SEC. 2. Section 103526.6 is added to the Health and Safety
13 Code, to read:

14 103526.6. (a) The State Registrar, in consultation with the
15 County Records' Association of California and other
16 stakeholders, shall study the feasibility of the continued use of
17 intaglio print and the implementation of other security features for
18 paper used to print a vital record pursuant to Section 103525.

19 (b) (1) On or before January 1, 2017, the State Registrar shall
20 submit to the Legislature a report that contains the findings of the
21 study conducted pursuant to subdivision (a) and legislative
22 recommendations pertaining to those findings.

23 (2) A report submitted to the Legislature pursuant to this
24 subdivision shall be submitted in compliance with Section 9795
25 of the Government Code.

26 SEC. 3. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the Constitution and shall go into
29 immediate effect. The facts constituting the necessity are:

30 In order for the State Registrar to conduct a study regarding the
31 feasibility of continued use of intaglio print and the implementation
32 of other security features for paper used to print a vital record as
33 soon as possible, and to ensure timely reporting of the findings of
34 that study to the Legislature, it is necessary that this act take effect
35 immediately.

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Legislative Proposals

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California Association of Clerks and Election Officials (CACEO)

2015/2016 Legislative Proposal

Submitted by:	Portia Sanders	County:	Los Angeles
Address:	12400 Imperial Hwy Norwalk, CA 90650	Phone:	(562) 462-2081
		Email:	pdsanders@rrcc.lacounty.gov

Amend Code section(s):

Family Code §§300-536

What does this proposal do?

Clean up marriage legislation to be more in line with what we do now.

What problem(s) will this proposal resolve?

None

How will this proposal affect the agency and the public?

Clarifies for the agencies and the public what is allowable under the statute.

Are there any other related Code sections that will be affected?

☒ No

☐ Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

No

What other agencies be affected by this proposal?

None

Who will support this proposal? Why?

CACEO, CRAC

Who will oppose this proposal? Why?

None known

Draft Language:

Family Code

300 (a) Marriage is a personal relation arising out of a civil contract between two persons, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed

by the issuance of a license and solemnization as authorized by this division, except as provided by Section 425 and Part 4 (commencing with Section 500).

(1) A common law marriage cannot be entered into in California.

(b) For purposes of this part, the document issued by the county clerk is a marriage license until it is registered with the county recorder, at which time the license becomes a marriage certificate.

301. Two unmarried persons, 18 years of age or older, who are not otherwise disqualified are capable of consenting to and consummating marriage.

302(a) An unmarried person under 18 years of age is capable of consenting to and consummating marriage upon obtaining a court order granting permission to the underage person or persons to marry.

(b) The court order and written consent ~~of the parents of each underage person, or~~ of *at least* one of the parents or the guardian of each underage person shall be filed with the clerk of the court, and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

303. If it appears to the satisfaction of the court by application of a minor that the minor requires a written consent to marry and that the minor has no parent or has no parent capable of consenting, the court may make an order consenting to the issuance of a marriage license and granting permission to the minor to marry. The order shall be filed with the clerk of the court and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

304. As part of the court order granting permission to marry under Section 302 or 303, the court shall require, if it considers it necessary, *that* the parties to the prospective marriage of a minor to participate in premarital counseling concerning social, economic, and personal responsibilities incident to marriage, ~~if the court considers the counseling to be necessary~~. The parties shall not be required, without their consent, to confer with counselors provided by religious organizations of any denomination. In determining whether to order the parties to participate in the premarital counseling, the court shall consider, among other factors, the ability of

the parties to pay for the counseling. The court may impose a reasonable fee to cover the cost of any premarital counseling provided by the county or the court. The fees shall be used exclusively to cover the cost of the counseling services authorized by this section.

305. Consent to and solemnization of marriage may be proved under the same general rules of evidence as facts are proved in other cases.

306. Except as provided in Section 307, a marriage shall be licensed, solemnized, and authenticated, and the authenticated marriage license shall be returned to the county recorder of the county where the marriage license was issued, as provided in this part. Noncompliance with this part by a nonparty to the marriage does not invalidate the marriage.

306.5(a) Parties to a marriage shall not be required to have the same name. Neither party shall be required to change his or her name. A person's name shall not change upon marriage unless that person elects to change his or her name pursuant to subdivision (b).

(b)(1) One party or both parties to a marriage may elect to change the middle or last names, or both, by which that party wishes to be known after solemnization of the marriage by entering the new name in the spaces provided on the marriage license application without intent to defraud.

(2) A person may adopt any of the following last names pursuant to paragraph (1):

(A) The current last name of the other spouse.

(B) The last name of either spouse given at birth.

(C) A name combining into a single last name all or a segment of the current last name or the last name of either spouse given at birth.

(D) A ~~hyphenated~~ combination of last names.

(3) A person may adopt any of the following middle names pursuant to paragraph (1):

- (A) The current last name of either spouse.
 - (B) The last name of either spouse given at birth.
 - (C) A ~~hyphenated~~ combination of the current middle name and the current last name of the person or spouse.
 - (D) A ~~hyphenated~~ combination of the current middle name and the last name given at birth of the person or spouse.
- (4) (A) An election by a person to change his or her name pursuant to paragraph (1) shall serve as a record of the name change. A certified copy of a marriage certificate containing the new name, or retaining the former name, shall constitute proof that the use of the new name or retention of the former name is lawful.
- (B) A certified copy of a marriage certificate shall be accepted as identification establishing a true, full name for purposes of Section 12800.7 of the Vehicle Code.
- (C) Nothing in this section shall be construed to prohibit the Department of Motor Vehicles from accepting as identification other documents establishing a true, full name for purposes of Section 12800.7 of the Vehicle Code. Those documents may include, without limitation, a certified copy of a marriage certificate recording a marriage outside of this state.
- (D) This section shall be applied in a manner consistent with the requirements of Sections 1653.5 and 12801 of the Vehicle Code.
- (5) The adoption of a new name, or the choice not to adopt a new name, by means of a marriage license application pursuant to paragraph (1) shall only be made at the time the marriage license is issued. After a marriage certificate is registered by the local registrar, the certificate may not be amended to add a new name or change the name adopted pursuant to paragraph (1). An amendment may be issued to correct a clerical error in the new name fields on the marriage license. In this instance, the amendment must be signed by one of the parties to the marriage and the county clerk or his or her deputy, and the reason for the amendment must be stated as correcting a clerical error. A clerical error as used in this part is an

error made by the county clerk, his or her deputy, or a notary authorized to issue confidential marriage licenses, ~~whereby the information shown in the new name field does not match the information shown on the marriage license application.~~

This requirement shall not ~~abrogate~~ *revoke* the right of either party to adopt a different name through usage at a future date, or to petition the superior court for a change of name pursuant to Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure.

(c) Nothing in this section shall be construed to ~~abrogate~~ *revoke* the common law right of any person to change his or her name, or the right of any person to petition the superior court for a change of name pursuant to Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure.

(d) This section shall become operative on January 1, 2009.

307. This division, so far as it relates to the solemnizing of marriage, is not applicable to members of a particular religious society or denomination not having clergy for the purpose of solemnizing marriage or entering the marriage relation, if all of the following requirements are met:

(a) The parties to the marriage sign and endorse on the form prescribed by the State Department of Public Health, showing all of the following:

(1) The fact, time, and place of entering into the marriage.

(2) The printed names, signatures, and mailing addresses of two witnesses to the ceremony.

(3) The religious society or denomination of the parties to the marriage, and that the marriage was entered into in accordance with the rules and customs of that religious society or denomination. The statement of the parties to the marriage that the marriage was entered into in accordance with the rules and customs of the religious society or denomination is conclusively presumed to be true.

(b) The License and Certificate of Non-Clergy Marriage, endorsed pursuant to subdivision (a), is returned to the county recorder of the county in which the license was issued within 10 days after the ceremony.

308. A marriage contracted outside ~~this-state~~ *California* that would be valid by laws of the jurisdiction in which the marriage was contracted is valid in ~~this-state~~ *California*.

309. If either party to a marriage denies the marriage, or refuses to join in a declaration of the marriage, the other party may proceed, by action pursuant to Section 103450 of the Health and Safety Code, to have the validity of the marriage determined and declared.

310. Marriage is dissolved only by one of the following:

(a) The death of one of the parties.

(b) A judgment of dissolution of marriage.

(c) A judgment of nullity of marriage.

350(a) Before entering a marriage, or declaring a marriage pursuant to Section 425, the parties shall first obtain a marriage license from a county clerk.

(b) If a marriage is to be entered into pursuant to subdivision (b) of Section 420, the attorney-in-fact shall appear before the county clerk on behalf of the party who is overseas, as prescribed in subdivision (a).

351. The marriage license shall show all of the following:

(a) The identity of the parties to the marriage.

(b) The parties' full given names at birth or by court order, and mailing addresses.

(c) The parties' dates of birth.

351.5. Notwithstanding subdivision (b) of Section 351 or 359 of this code, or Section 103175 of the Health and Safety Code, if either of the applicants for, or any

witness to, a certificate of registry of marriage and a marriage license requests, the certificate of registry and the marriage license shall show the business address or United States Postal Service post office box for that applicant or witness instead of the residential address of that person.

351.6. Notwithstanding Section 307, 351, 351.5, 359, or 422 of this code, or Section 103175 or 103180 of the Health and Safety Code, a mailing address used by an applicant, witness, or person solemnizing or performing the marriage ceremony shall be a residential address, a business address, or a United States Postal Service post office box.

352. No marriage license shall be granted if either of the applicants lacks the capacity to enter into a valid marriage or is, at the time of making the application for the license, under the influence of an intoxicating liquor or narcotic drug.

354(a) Each applicant for a marriage license shall be required to present authentic photo identification acceptable to the county clerk as to name and date of birth. A credible witness affidavit or affidavits may be used in lieu of authentic photo identification.

(b) For the purpose of ascertaining the facts mentioned or required in this part, if the clerk deems it necessary, the clerk may examine the applicants for a marriage license on oath at the time of the application. The clerk shall reduce the examination to writing and the applicants shall sign it.

(c) If necessary, the clerk may request additional documentary proof as to the accuracy of the facts stated.

(d) Applicants for a marriage license shall not be required to state, for any purpose, their race or color.

(e) If a marriage is to be entered into pursuant to subdivision (b) of Section 420, the attorney in fact shall comply with the requirements of this section on behalf of the applicant who is overseas, if necessary.

355(a) The forms for the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this part.

(b) The marriage license shall include an affidavit, which the applicants shall sign, affirming that they have received the brochure provided for in Section 358. If the marriage is to be entered into pursuant to subdivision (b) of Section 420, the attorney in fact shall sign the affidavit on behalf of the applicant who is overseas.

(c) The forms for the marriage license shall contain spaces for either party or both parties to indicate a change in name pursuant to Section 306.5.

356. A marriage license issued pursuant to this part *is only valid in the State of California and* expires 90 days after its issuance. The calendar date of expiration shall be clearly noted on the face of the license.

357. (a) The county clerk shall number each marriage license issued and shall transmit at periodic intervals to the county recorder a list or copies of the *public* licenses issued.

(b) Not later than 60 days after the date of issuance, the county recorder shall notify licenseholders whose *public* marriage license has not been returned of that fact and that the marriage license will automatically expire on the date shown on its face.

358(a) The State Department of Public Health shall prepare and publish a brochure that shall contain the following:

(1) Information concerning the possibilities of genetic defects and diseases and a listing of centers available for the testing and treatment of genetic defects and diseases.

(2) Information concerning acquired immunodeficiency syndrome (AIDS) and the availability of testing for antibodies to the probable causative agent of AIDS.

(3) Information concerning domestic violence, including resources available to victims and a statement that physical, emotional, psychological, and sexual abuse, and assault and battery, are against the law.

~~(4) Information concerning options for changing a name upon solemnization of marriage pursuant to Section 306.5, or upon registration of a domestic partnership pursuant to Section 298.6. That information shall include a notice that the recording of a change in name or the absence of a change in name on a marriage license application and certificate pursuant to Section 306.5 may not be amended once the marriage license is issued, but that options to adopt a change in name in the future through usage, common law, or petitioning the superior court are preserved, as set forth in Section 306.5.~~

(b) The State Department of Public Health shall make the brochures available to county clerks who shall distribute a copy of the brochure to each applicant for a marriage license, including applicants for a confidential marriage license and notaries public receiving a confidential marriage license pursuant to Section 503. The department shall also make the brochure available to the Secretary of State, who shall distribute a copy of the brochure to persons who qualify as domestic partners pursuant to Section 297 and shall make the brochure available electronically on the Internet Web site of the Secretary of State.

(c) The ~~department~~ *State Department of Public Health* shall prepare a lesbian, gay, bisexual, and transgender specific domestic abuse brochure and make the brochure available to the Secretary of State who shall print and make available the brochure, as funding allows, pursuant to Section 298.5.

(d) Each notary public issuing a confidential marriage license under Section 503 shall distribute a copy of the brochure to the applicants for a confidential marriage license.

(e) To the extent possible, the State Department of Public Health shall seek to combine in a single brochure all statutorily required information for marriage license applicants.

359(a) Except as provided in Sections 420 and 426, applicants to be married shall first appear together in person before the county clerk to obtain a marriage license.

(b) The contents of the marriage license are provided in Part 1 (commencing with Section 102100) of Division 102 of the Health and Safety Code.

(c) The issued marriage license shall be presented to the person solemnizing the marriage by the parties to be married.

(d) The person solemnizing the marriage shall complete the solemnization sections on the marriage license, and shall cause to be entered on the marriage license the printed name, signature, and mailing address of at least one, and no more than two, witnesses to the marriage ceremony.

(e) The marriage license shall be returned by the person solemnizing the marriage to the county recorder of the county in which the license was issued within 10 days after the ceremony.

(f) As used in this division, "returned" means presented to the appropriate person in person, or postmarked, before the expiration of the specified time period.

360(a) If a marriage license is lost, damaged, or destroyed after the marriage ceremony, but before it is returned to the county recorder, or deemed unacceptable for registration by the county recorder, the person solemnizing the marriage, in order to comply with Section 359, shall obtain a duplicate marriage license by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued.

(b) The duplicate marriage license may not be issued later than one year after the ~~issuance of the original license~~ *date of marriage* and shall be returned by the person solemnizing the marriage to the county recorder within one year of the ~~issuance~~ date ~~shown on the original~~ *of* marriage ~~license~~.

(c) The county clerk may charge a fee to cover the actual costs of issuing a duplicate marriage license.

(d) If a marriage license is lost, damaged, or destroyed before a marriage ceremony takes place, the applicants shall purchase a new marriage license and the old license shall be voided.

400. Although marriage is a personal relation arising out of a civil, and not a religious, contract, a marriage may be solemnized by any of the following who is 18 years of age or older:

(a) A priest, minister, rabbi, or authorized person of any religious denomination. A person authorized by this subdivision shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. Any refusal to solemnize a marriage under this subdivision, either by an individual or by a religious denomination, shall not affect the tax-exempt status of any entity.

(b) A judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, commissioner or retired commissioner, or assistant commissioner of a court of record in this state, *per Section 1 of Article 6 of the California Constitution*.

(c) A *federal* judge or magistrate who has resigned from office.

(d) A judge or magistrate from this state who has resigned from office.

~~(d)~~ (e) Any of the following judges or magistrates of the United States:

(1) A justice or retired justice of the United States Supreme Court.

(2) A judge or retired judge of a court of appeals, a district court, or a court created by an act of Congress the judges of which are entitled to hold office during good behavior.

(3) A judge or retired judge of a bankruptcy court or a tax court.

(4) A United States magistrate or retired magistrate.

~~(e)~~ (f) A legislator or constitutional officer of this state or a Member of Congress who represents a district within this state, while that person holds office.

400.1. In addition to the persons specified in Section 400, marriage may also be solemnized by a county supervisor, the city clerk of a charter city or serving in accordance with subdivision (b) of Section 36501 of the Government Code, or a mayor of a city elected in accordance with Article 3 (commencing with Section 34900) of Chapter 4 of Part 1 of Division 2 of Title 4 of the Government Code, while that person holds office. The county supervisor, the city clerk, or mayor shall obtain and review from the county clerk all available instructions for marriage solemnization before the county supervisor, the city clerk, or mayor first solemnizes a marriage.

401(a) For each county, the county clerk is designated as a commissioner of civil marriages.

(b) The commissioner of civil marriages may appoint deputy commissioners of civil marriages who may solemnize marriages under the direction of the commissioner of civil marriages and shall perform other duties directed by the commissioner.

402. In addition to the persons permitted to solemnize marriages under Section 400, a county may license officials of a nonprofit religious institution, whose articles of incorporation are registered with the Secretary of State, to solemnize the marriages of persons who are affiliated with or are members of the religious institution. The licensee shall possess the degree of doctor of philosophy and must perform religious services or rites for the institution on a regular basis. The marriages shall be performed without fee to the parties.

420(a) No particular form for the ceremony of marriage is required for solemnization of the marriage, but the parties shall declare, in the physical presence of the person solemnizing the marriage and necessary witnesses, that they take each other as spouses.

(b) Notwithstanding subdivision (a), a member of the Armed Forces of the United States who is stationed outside of the United States ~~and serving in a conflict or a war~~ and is unable to appear for the licensure and solemnization of the marriage may enter into that marriage by the appearance of an attorney in fact, commissioned and empowered in writing for that purpose through a power of

attorney. The attorney in fact must personally appear at the county clerk's office with the party who is not stationed overseas, and present the original power of attorney duly signed by the party stationed overseas and acknowledged by a notary or witnessed by two officers of the United States Armed Forces. Copies in any form, including by facsimile, are not acceptable. The power of attorney shall state the full given names at birth, or by court order, of the parties to be married, and that the power of attorney is solely for the purpose of authorizing the attorney in fact to obtain a marriage license on the person's behalf and participate in the solemnization of the marriage. The original power of attorney shall be a part of the marriage certificate upon registration.

(c) No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

421. Before solemnizing a marriage, the person solemnizing the marriage shall require the presentation of the marriage license. ~~If the~~ *The* person solemnizing the marriage ~~has reason to doubt~~ *must be satisfied as to* the correctness of the statement of facts in the marriage license. *If* the person ~~must be satisfied as to the correctness of~~ *has reason to doubt* the statement of facts of ~~before solemnizing in~~ the marriage. ~~For this purpose, they person,~~ *they* may administer oaths and examine the parties and witnesses in the same manner as the county clerk does before issuing the license.

422. The person solemnizing a marriage shall sign and print or type upon the marriage license a statement, in the form prescribed by the State Department of Public Health, showing all of the following:

(a) The fact, date (month, day, year), and place (city and county) of solemnization.

~~(b) The printed names, signatures, and mailing addresses of at least one, and no more than two, witnesses to the ceremony.~~

~~(c)~~ *(b)* The official position of the person solemnizing the marriage, and the religious denomination, if clergy.

~~(d)~~(c) The person solemnizing the marriage shall also type or print his or her name and mailing address.

423. The person solemnizing the marriage shall return the marriage license, endorsed as required in Section 422, to the county recorder of the county in which the license was issued within 10 days after the ceremony.

425. If no record of the solemnization of a California marriage previously contracted under this division for that marriage is known to exist, the parties may purchase a License and Certificate of Declaration of Marriage from the county clerk in the parties' county of residence or county of issuance one year or more from the date of the marriage. The license and certificate shall be returned to the county recorder of the county in which the ~~license~~ *License and Certificate of Declaration of Marriage* was issued.

426. If for sufficient reason, as described in subdivision (d), either or both of the parties to be married are physically unable to appear in person before the county clerk, a marriage license may be issued by the county clerk to the person solemnizing the marriage if the following requirements are met:

(a) The person solemnizing the marriage physically presents an affidavit to the county clerk explaining the reason for the inability to appear.

(b) The affidavit is signed under penalty of perjury by the person solemnizing the marriage and by both parties.

(c) The signature of any party to be married who is unable to appear in person before the county clerk is authenticated by a notary public or a court prior to the county clerk issuing the marriage license.

(d) Sufficient reason includes proof of hospitalization, incarceration, or any other reason proved to the satisfaction of the county clerk.

500. When two unmarried people, not minors, have been living together as spouses, they may be married pursuant to this chapter by a person authorized to

solemnize a marriage under Chapter 1 (commencing with Section 400) of Part 3~~7~~
~~without the necessity of first obtaining health certificates.~~

500.5. For purposes of this part, the document issued by the county clerk is a marriage license until it is registered with the county clerk, at which time the license becomes a marriage certificate.

501. Except as provided in Section 502, a confidential marriage license shall be issued by the county clerk upon the personal appearance together of the parties to be married and their payment of the fees required by Sections 26840.1 and 26840.8 of the Government Code and any fee imposed pursuant to the authorization of Section 26840.3 of the Government Code.

502. If for sufficient reason, as described in subdivision (d), either or both of the parties to be married are physically unable to appear in person before the county clerk, a confidential marriage license may be issued by the county clerk to the person solemnizing the marriage if the following requirements are met:

- (a) The person solemnizing the marriage physically presents an affidavit to the county clerk explaining the reason for the inability to appear.
- (b) The affidavit is signed under penalty of perjury by the person solemnizing the marriage and by both parties.
- (c) The signature of any party to be married who is unable to appear in person before the county clerk is authenticated by a notary public or a court prior to the county clerk issuing the confidential marriage license.
- (d) Sufficient reason includes proof of hospitalization, incarceration, or any other reason proved to the satisfaction of the county clerk.

503. The county clerk shall issue a confidential marriage license upon the request of a notary public approved by the county clerk to issue confidential marriage licenses pursuant to Chapter 2 (commencing with Section 530) and upon payment by the notary public of the fees specified in Sections 26840.1 and 26840.8 of the

Government Code. The parties shall reimburse a notary public who issues a confidential marriage license for the amount of the fees.

504. A confidential marriage license is valid only for a period of 90 days after its issuance by the county clerk.

505(a) The form of the confidential marriage license shall be prescribed by the State Registrar of Vital Statistics.

(b) The form shall be designed to require that the parties to be married declare or affirm that they meet all of the requirements of this chapter.

(c) The form shall include an affidavit, which the bride and groom shall sign, affirming that they have received the brochure provided for in Section 358.

506(a) The confidential marriage license shall be presented to the person solemnizing the marriage.

(b) Upon performance of the ceremony, the solemnization section on the confidential marriage license shall be completed by the person solemnizing the marriage.

(c) The confidential marriage license shall be returned by the person solemnizing the marriage to the office of the county clerk in the county in which the license was issued within 10 days after the ceremony.

508. Upon issuance of a confidential marriage license, parties shall be provided with an application to obtain a certified copy of the confidential marriage certificate from the county clerk.

509(a) A party to a confidential marriage may obtain a certified copy of the confidential marriage certificate from the county clerk of the county in which the certificate is filed by submitting an application that satisfies the requirements of Chapter 14 (commencing with Section 103525) of Part 1 of Division 102 of the Health and Safety Code.

(b) Copies of a confidential marriage certificate may be issued to the parties to the marriage upon payment of the fee equivalent to that charged for copies of a marriage certificate.

510(a) If a confidential marriage license is lost, damaged, or destroyed after the performance of the marriage, but before it is returned to the county clerk, or deemed unacceptable for registration by the county clerk, the person solemnizing the marriage, in order to comply with Section 506, shall obtain a duplicate marriage license by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued.

(b) The duplicate license may not be issued later than one year after issuance of the original license and shall be returned by the person solemnizing the marriage to the county clerk within one year of the issuance date shown on the original marriage license.

(c) The county clerk may charge a fee to cover the actual costs of issuing a duplicate marriage license.

(d) If a marriage license is lost, damaged, or destroyed before a marriage ceremony takes place, the applicants shall purchase a new marriage license and the old license shall be voided.

511(a) Except as provided in subdivision (b), the county clerk shall maintain confidential marriage certificates filed pursuant to Section 506 as permanent records which shall not be open to public inspection except upon order of the court issued upon a showing of good cause. The confidential marriage license is a confidential record and not open to public inspection without an order from the court.

(b) The county clerk shall keep all original certificates of confidential marriages for one year from the date of filing. After one year, the clerk may reproduce the certificates pursuant to Section 26205 of the Government Code, and dispose of the original certificates. The county clerk shall promptly seal and store at least one original negative of each microphotographic film made in a manner and place as

reasonable to ensure its preservation indefinitely against loss, theft, defacement, or destruction. The microphotograph shall be made in a manner that complies with the minimum standards or guidelines, or both, recommended by the American National Standards Institute or the Association for Information and Image Management.

Every reproduction shall be deemed and considered an original. A certified copy of any reproduction shall be deemed and considered a certified copy of the original.

(c) The county clerk may conduct a search for a confidential marriage certificate for the purpose of confirming the existence of a marriage, but the date of the marriage and any other information contained in the certificate shall not be disclosed except upon order of the court.

(d) The county clerk shall, not less than quarterly, transmit copies of all original confidential marriage certificates retained, or originals of reproduced confidential marriage certificates filed after January 1, 1982, to the State Registrar of Vital Statistics. The registrar may destroy the copies so transmitted after they have been indexed. The registrar may respond to an inquiry as to the existence of a marriage performed pursuant to this chapter, but shall not disclose the date of the marriage.

530(a) No notary public shall issue a confidential marriage license pursuant to this part unless the notary public is approved by the county clerk to issue confidential marriage licenses pursuant to this chapter.

(b) A violation of subdivision (a) is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or six months in jail.

531(a) An application for approval to authorize confidential marriages pursuant to this part shall be submitted to the county clerk in the county in which the notary public who is applying for the approval resides. The county clerk shall exercise reasonable discretion as to whether to approve applications.

(b) The application shall include all of the following:

(1) The full name of the applicant.

(2) The date of birth of the applicant.

- (3) The applicant's current residential address and telephone number.
- (4) The address and telephone number of the place where the applicant will issue confidential marriage licenses.
- (5) The full name of the applicant's employer if the applicant is employed by another person.
- (6) Whether or not the applicant has engaged in any of the acts specified in Section 8214.1 of the Government Code.
- (c) The application shall be accompanied by the fee provided for in Section 536.

532. No approval, or renewal of the approval, shall be granted pursuant to this chapter unless the notary public shows evidence of successful completion of a course of instruction concerning the issuance of confidential marriage licenses that was conducted by the county clerk in the county of registration. The course of instruction shall not exceed six hours in duration.

533. An approval to issue confidential marriage licenses pursuant to this chapter is valid for one year. The approval may be renewed for additional one-year periods provided the following conditions are met:

- (a) The applicant has not violated any of the provisions provided for in Section 531.
- (b) The applicant has successfully completed the course prescribed in Section 532.
- (c) The applicant has paid the renewal fee provided for in Section 536.

534(a) The county clerk shall maintain a list of the notaries public who are approved to issue confidential marriage licenses. The list shall be available for inspection by the public.

(b) It is the responsibility of a notary public approved to issue confidential marriage licenses pursuant to this chapter to keep current the information required in paragraphs (1), (3), (4), and (5) of subdivision (b) of Section 531. This information

shall be used by the county clerk to update the list required to be maintained by this section.

535(a) If, after an approval to issue confidential marriage licenses is granted pursuant to this chapter, it is discovered that the notary public has engaged in any of the actions specified in Section 8214.1 of the Government Code, the approval shall be revoked, and the county clerk shall notify the [California](#) Secretary of State for whatever action the [California](#) Secretary of State deems appropriate. Any fees paid by the notary public shall be retained by the county clerk.

(b) If a notary public who is approved to authorize confidential marriages pursuant to this chapter is alleged to have violated a provision of this division, the county clerk shall conduct a hearing to determine if the approval of the notary public should be suspended or revoked. The notary public may present any evidence as is necessary in the notary public's defense. If the county clerk determines that the notary public has violated a provision of this division, the county clerk may place the notary public on probation or suspend or revoke the notary public's registration, and any fees paid by the notary public shall be retained by the county clerk. The county clerk shall report the findings of the hearing to the [California](#) Secretary of State for whatever action the [California](#) Secretary of State deems appropriate.

536(a) The fee for an application for approval to authorize confidential marriages pursuant to this chapter is three hundred dollars (\$300).

(b) The fee for renewal of an approval is three hundred dollars (\$300).

(c) Fees received pursuant to this chapter shall be deposited in a trust fund established by the county clerk. The money in the trust fund shall be used exclusively for the administration of the programs described in this chapter.

California Association of Clerks and Election Officials (CACEO)

2015/2016 Legislative Proposal

Submitted by:	Portia Sanders	County:	Los Angeles
Address:	12400 Imperial Hwy Norwalk, CA 90650	Phone:	(562) 462-2081
		Email:	pdsanders@rrcc.lacounty.gov

Amend Code section(s):

Family Code §520

What does this proposal do?

Give the counties an option of whether or not to have a notary program for confidential marriages. Currently the law is silent.

What problem(s) will this proposal resolve?

Counties will not be forced to institute a program and those that do will have more power to regulate the size of their program.

How will this proposal affect the agency and the public?

May limit the number of Authorized Notaries for the public, but will give the counties better oversight of those notaries.

Are there any other related Code sections that will be affected?



No



Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

No

What other agencies be affected by this proposal?

No agencies, but some Notary Publics may be affected.

Who will support this proposal? Why?

CRAC, CACEO – Allows the clerks to determine whether or not they want to initiate the program.

Who will oppose this proposal? Why?

Possibly the National Notary Association as it may affect their members.

Draft Language: See Attached

Family Code

520. It is the option of the County Clerk to authorize notary publics to issue confidential marriage licenses. The number of participants in the program is at the discretion of the County Clerk.

County Records' Association of California (CRAC)

2015/2016 Legislative Proposal

Submitted by:	John Tuteur	County:	Napa
Address:	P.O. Box 298 Napa, CA 94559	Phone:	(707) 253-4459
		Email:	john.tuteur@countyofnapa.org

Amend Code section(s):

Government Code §§8205(b)(2); 8206(b); 8206(d); 8213(a); 8213.5; and 8311

What does this proposal do?

Recognizes current methods of delivering materials for notaries to deal with Secretary of State and local agencies.

What problem(s) will this proposal resolve?

Certified mail requirement can lead to delay in receiving time-sensitive notary bonds and oaths and other communications with the Secretary of State. If delayed beyond the 30 day deadline from the grant of the commission the notary has to begin the entire process again and pay the fees again as well. Will allow notaries, notary candidates and others to use other means of delivery in addition to certified mail such as express delivery to send oaths and bonds and communicate with the Secretary of State and local clerks and recorders.

How will this proposal affect the agency and the public?

Will provide notary candidates, the Secretary of State and others with multiple ways to communicate.

Are there any other related Code sections that will be affected?

☒ No ☐ Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

Minor increase in costs to notary candidates and others if they choose more expensive delivery methods. However, those costs would be offset by not having to repeat entire application process and pay duplicate fees.

No impact on costs to local clerks, recorders, or the Secretary of State.

What other agencies be affected by this proposal?

None

Who will support this proposal? Why?

Secretary of State, other state agencies, notaries and all 58 county recorders and county clerks

Who will oppose this proposal? Why?

No foreseen opposition

Draft Language:

Government Code

8205(b)(2) To respond within 30 days of receiving written requests sent by certified mail *or any other means of physical delivery that provides a receipt* from the Secretary of State's office for information relating to official acts performed by the notary.

8206(b) If a sequential journal of official acts performed by a notary public is stolen, lost, misplaced, destroyed, damaged, or otherwise rendered unusable as a record of notarial acts and information, the notary public shall immediately notify the Secretary of State by certified or registered mail *or any other means of physical delivery that provides a receipt* ...

(d) The journal of notarial acts of a notary public ... The notary public shall obtain a receipt for the journal, and shall notify the Secretary of State by certified mail *or any other means of physical delivery that provides a receipt* within 10 days that the journal was relinquished to a peace officer...

8213(a) No later than 30 days after the beginning of the term prescribed in the commission ... A person appointed to be a notary public shall take and subscribe the oath of office either in the office of that county clerk or before another notary public in that county. If the oath of office is taken and subscribed before a notary public, the oath and bond may be filed with the county clerk by certified mail *or any other means of physical delivery that provides a receipt* ...

8213.5. A notary public shall notify the Secretary of State by certified mail *or any other means of physical delivery that provides a receipt* within 30 days as to any change in the location or address of the principal place of business or residence.

8311. Wherever any notice or other communication is required by any law to be mailed by registered mail to or by the state, or any officer or agency thereof, the mailing of such notice or other communication by certified mail *or any other means of physical delivery that provides a receipt* shall be deemed to be a sufficient compliance with the requirements of such law.

California Association of Clerks and Election Officials (CACEO)

2015/2016 Legislative Proposal

Submitted by:	Donna Allred	County:	Sacramento
Address:	600 8th Street Sacramento, CA 95814	Phone:	(916) 874-7855
		Email:	allredd@saccounty.net

Amend Code section(s):

Government Code §§8213(a)-(e)

What does this proposal do?

Allows the County Clerk to require identification from a notary public when the County Clerk administers the oath of office.

What problem(s) will this proposal resolve?

The current code does not have a statutory requirement for the County Clerk to require identification from the notary public when administering the oath of office.

How will this proposal affect the agency and the public?

It will help the County Clerk adequately determine the identity of the notary public when administering the oath of office.

Are there any other related Code sections that will be affected?

☒ No ☐ Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

No

What other agencies be affected by this proposal?

No other agencies, however, we may want to canvass the California Secretary of State and National Notary Association to consider their views on the proposal.

Who will support this proposal? Why?

CACEO – This gives the County Clerk the legal authority to request identification for notary public filings. It will also allow the CRM committee the legal authority to update the manual with a statutory requirement supporting the current identification requirement. Currently, it is in the manual as a best practice guideline.

Secretary of State – They recognize the lack of a statutory requirement to require identification from an individual when administering the oath of office. It is currently considered a best practice.

(Nancy Turner reached out to Alicia Stewart at the SOS. on 10/23/2015)

Who will oppose this proposal? Why?

There is no foreseen opposition.

Draft Language:

Government Code

8213(a) No later than 30 days after the beginning of the term prescribed in the commission, every person appointed a notary public shall file an official bond and an oath of office in the office of the county clerk of the county within which the person maintains a principal place of business as shown in the application submitted to the *California* Secretary of State, and the commission shall not take effect unless this is done within the 30-day period. A person appointed to be a notary public shall take and subscribe the oath of office either in the office of that county clerk or before another notary public in that county. *The notary public shall be required to present authentic photo identification, such as a California driver's license, or other identification acceptable to the county clerk to adequately determine the identity of the applicant.* If the oath of office is taken and subscribed before a notary public, the oath and bond may be filed with the county clerk by certified mail. Upon the filing of the oath and bond, the county clerk shall immediately transmit to the *California* Secretary of State a certificate setting forth the fact of the filing and containing a copy of the official oath, personally signed by the notary public in the form set forth in the commission and shall immediately deliver the bond to the county recorder for recording. The county clerk shall retain the oath of office for one year following the expiration of the term of the commission for which the oath was taken, after which the oath may be destroyed or otherwise disposed of. The copy of the oath, personally signed by the notary public, on file with the *California* Secretary of State may at any time be read in evidence with like effect as the original oath, without further proof.

(b) If a notary public transfers the principal place of business from one county to another, the notary public may file a new oath of office and bond, or a duplicate of the original bond with the county clerk to which the principal place of business was

transferred. If the notary public elects to make a new filing, the notary public shall, within 30 days of the filing, obtain an official seal which shall include the name of the county to which the notary public has transferred. In a case where the notary public elects to make a new filing, the same filing and recording fees are applicable as in the case of the original filing and recording of the bond.

(c) If a notary public submits an application for a name change to the [California](#) Secretary of State, the notary public shall, within 30 days from the date an amended commission is issued, file a new oath of office and an amendment to the bond with the county clerk in which the principal place of business is located. The amended commission with the name change shall not take effect unless the filing is completed within the 30-day period. The amended commission with the name change takes effect the date the oath and amendment to the bond is filed with the county clerk. If the principal place of business address was changed in the application for name change, either a new or duplicate of the original bond shall be filed with the county clerk with the amendment to the bond. The notary public shall, within 30 days of the filing, obtain an official seal that includes the name of the notary public and the name of the county to which the notary public has transferred, if applicable.

(d) The recording fee specified in Section 27361 of the Government Code shall be paid by the person appointed a notary public. The fee may be paid to the county clerk who shall transmit it to the county recorder.

(e) The county recorder shall record the bond and shall thereafter mail, unless specified to the contrary, it to the person named in the instrument and, if no person is named, to the party leaving it for recording.

California Association of Clerks and Election Officials (CACEO)

2015/2016 Legislative Proposal

Submitted by:	John Tuteur	County:	Napa
Address:	P.O. Box 298 Napa, CA 94559	Phone:	(707) 253-4459
		Email:	john.tuteur@countyofnapa.org

Amend Code section(s):

Government Code §11343.5 and §26803.5

What does this proposal do?

Directs copies of California Administrative Code to the correct entities.

What problem(s) will this proposal resolve?

Streamlines state agency requirement for distributing administrative regulations.

How will this proposal affect the agency and the public?

Beneficial impact on state office distributing material and county clerks by removing paperwork and administrative duties. No impact on public because material will remain available in a number of locations.

Are there any other related Code sections that will be affected?



No



Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

Will have minimal cost savings to state and local agencies by streamlining process.

What other agencies be affected by this proposal?

None

Who will support this proposal? Why?

Good government advocates, environmental groups for saving trees, state office charged with distributing copies, and all county clerks.

Who will oppose this proposal? Why?

No foreseen opposition

Draft Language: See Attached

Government Code

11343.5. Within 10 days from the receipt of printed copies of the California Code of Regulations or of the California Code of Regulations Supplement from the State Printing Office, the office shall file one copy of the particular issue of the code or supplement ~~in the office of the county clerk of each county in this state, or if the authority to accept filings on his or her behalf has been delegated by the county clerk of any county pursuant to Section 26803.5, in the office of the person to whom that authority has been delegated~~ *with the paid county law librarian or with the librarian in charge of the county library in each county.*

26803.5. Each regulation and order of repeal of a regulation filed with a ~~county clerk~~ *county librarian or county law librarian* pursuant to Article 2 (commencing with Section 11380) of Chapter 4.5, Part 1, Division 3, Title 2, of this code shall be retained in an active file, available for public inspection, until receipt by the ~~county clerk~~ *paid county law librarian or the librarian in charge of the county library* of the next California Administrative Register or supplement to the California Administrative Code in which such regulation, order of repeal or notice thereof, is published.

The ~~county clerk~~ *paid county law librarian or the librarian in charge of the county library* shall at all times keep a complete current set of the California Administrative Code, and the California Administrative Register available for public inspection.

~~If the county clerk of any county in this state is satisfied that the code and register will be maintained in accordance with the requirements of this section, he may delegate the authority to receive filings on his behalf and to maintain the code and register on his behalf to a paid county law librarian or to the librarian in charge of the county library.~~

California Association of Clerks and Election Officials (CACEO)

2015/2016 Legislative Proposal

Submitted by:	Monique Blakely	County:	Los Angeles
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Amend Code section(s):

Revenue and Taxation Code §19202

What does this proposal do?

Change references of County Clerk to Clerk of the Court

What problem(s) will this proposal resolve?

The code is outdated. After 2002 (SB 1316), the county clerk was absolved of all duties as ex officio of the superior court. Judgments are entered by the clerk of the court pursuant to Code of Civil Procedure Section 664 et seq.

How will this proposal affect the agency and the public?

Makes the correct reference on an existing function for the court and clarifies the function for the public.

Are there any other related Code sections that will be affected?

☒ No ☐ Yes (provide them):

Will this proposal save/increase costs? Explain and give estimates:

No

What other agencies be affected by this proposal?

Superior Court is the agency being identified, but there is no significant impact as it is an existing function.

Who will support this proposal? Why?

CACEO, CRAC

Who will oppose this proposal? Why?

None known

Draft Language: See Attached

Revenue and Taxation Code

19202. The ~~county clerk~~ *clerk of the court* immediately upon the filing of the certificate shall enter a judgment for the people of the State of California against the taxpayer in the amount set forth in the certificate. The ~~county clerk~~ *clerk of the court* may file the judgment in a loose-leaf book entitled "Personal Income Tax Judgments" or "Bank and Corporation Tax Judgments," as appropriate.