



2009 New Law Workbook

A SUMMARY OF LEGISLATION
AFFECTING COUNTY CLERKS

Presented by:
California Association of Clerks and Election Officials
County Clerk Legislative Committee

2009 County Clerk Legislative Committee Members	Legislative Advocate
Kathie Moran, Co-Chair Colusa County Vicki Petersen, Co-Chair Sonoma County Terri Lipscomb Alameda County Barbara Chambers Contra Costa County Monique Blakely Los Angeles County Lisa Renteria Madera County Cyndi Viall Orange County Victoria Rodriguez Riverside County Frederick Garcia Sacramento County Donna Allred Sacramento County Karen Hong-Yee San Francisco County Kenton Owyang San Francisco County Gina Alcomendras Santa Clara County Wardell House Santa Clara County Kathy Wolf Santa Cruz County David Valenzuela Ventura County Sheila Harmon Ventura County	Matt Siverling

Table of Contents

New Laws

AB 73	Marriage licenses; vital records; fees; domestic violence	1
AB 130	Vital records; marriage records	2
AB 176	Maintenance of the codes	4
AB 620	County Clerks; recordkeeping; registrations	5
AB 1123	Professions and vocations; process server; registration	6
AB 1143	Marriage licenses	7
AB 1164	Maintenance of the codes	9
AB 1245	Recovery of public records	10
SB 40	Personal information; social security numbers	12
SB 54	Out-Of-State same sex marriages	13
SB 113	Local Government Omnibus Act of 2009	14
SB 359	Records; disclosure exemptions	15
SB 635	Marriage licenses; vital records; fees; domestic violence	16
SB 676	Fees	17
CEQA (Fish & Game)	Filing Fee Increases	18
Hand-Outs		19
◆	Combined application for certified copy of marriage certificate	
◆	Application for certified copy of confidential marriage certificate	
◆	Name Equality Act of 2007 – New Names	

2009 Chaptered Bill Analysis

Bill Number:	AB 73
Chapter Number:	215
Author:	Assembly Member Hayashi (co-authors: Senate Members Hancock and Wiggins)
Topic:	Marriage licenses; vital records; fees; domestic violence
Impact:	Informational
Summary:	Eliminates the January 1, 2010 sunset date for the Alameda County Board of Supervisors to increase marriage license and birth, death and marriage certified copy fees, and the City Council of the City of Berkeley to increase birth and death certified copy fees. Extends the date in which those agencies must submit their final report to July 1, 2014.
Effect:	Amends Government Code Section 26840.10, Health & Safety Code Sections 103627; 103627.5; and Welfare & Institutions Code Section 18309
Actions Required:	None
Presenters:	Lisa Renteria, Madera County

2009 Chaptered Bill Analysis

Bill Number: AB 130

Chapter Number: 412

Author: Assembly Member Jeffries

Topic: Vital records; marriage records

Impact: Major

Summary: Certified copies of all marriage certificates will increase by \$1.00 effective January 01, 2010 to be distributed as follows:

- ◆ \$.65 to State Registrar
- ◆ \$.35 retained by local registrar (County Clerk or Recorder) in their vital records trust fund account to defray the costs of the additional security features required by Health & Safety Code Sections 103526 & 103526.5.

Changes the application process for requesting certified copies of **public and confidential marriage certificates.**

Makes the process for requesting a certified copy of marriage certificates consistent with the requirements for certified copies of birth and death certificates.

Requires **all** applicants requesting a certified copy to complete an application which includes a sworn statement signed under penalty of perjury.

Requests for a certified copy received via mail or fax must have the sworn statement completed and also be acknowledged by a notary public.

Defines persons “authorized” to receive a certified copy as follows:

CONFIDENTIAL:

- ◆ A party to the confidential marriage
- ◆ All others require a Superior Court order

Note: You **cannot** issue an “informational” copy of a confidential marriage certificate.

FC Section 511(c) states: “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.”

Continued on next page

2009 Chaptered Bill Analysis

Bill Number: **AB 130** Continued from previous page

Summary:

PUBLIC (non-confidential):

- ◆ A party to the marriage (registrant)
- ◆ A parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant
- ◆ A party entitled to receive the record as a result of a court order
- ◆ A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business
- ◆ An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate
- ◆ All others are to receive an "informational" copy of the public marriage certificate which must contain a legend across the face **"INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY"**
- ◆ Informational copies **will not** be issued through VRIRSA
- ◆ Informational copies do not require the sworn statement or notary acknowledgment

Establishes comprehensive and non-comprehensive indices for the State Registrar, local registrar and county recorder.

- ◆ Clarifies that the comprehensive indices maintained by the local registrar and county recorder are exempt from disclosure under the California Public Records Act.
- ◆ Requires the State Registrar to prepare and maintain separate non-comprehensive indices of all public marriage records for public release.
- ◆ Non-comprehensive marriage indices shall be comprised of **the name of each party to the marriage and the date of marriage**
- ◆ Requestors of the non-comprehensive public marriage record indices shall provide proof of identity, complete and sign a form under penalty of perjury that includes information as outlined in Health & Safety Code Section 102230(b)(5)(A)-(E).

Data files

- ◆ Non-confidential (public) marriage data files for public release shall only include the name of each party to the marriage and the date of the marriage. Data files for public release shall not contain the maiden names of the mothers.
- ◆ Requestors of the non-confidential (public) marriage data files shall provide proof of identity, complete a form and sign the form under penalty of perjury that includes information as outlined in Health & Safety Code Section 102231(a)(6)(b)(1)-(8).

Effect: Amends Health & Safety Code Sections 102230, 102231, 103525, 103525.5 & 103526; Amends Family Code Section 509

Actions Required: Inform staff; update accounting systems; update request forms; update website information; post notices to inform public of changes, develop a form for access to data file and non-comprehensive indices.

Presenter: Terri Lipscomb, Alameda County

2009 Chaptered Bill Analysis

Bill Number:	AB 176
Chapter Number:	88
Author:	Assembly Member Silva
Topic:	Maintenance of the codes
Impact:	Informational
Summary:	Language clean-up
Effect:	To clean up language of various codes
Actions Required:	None
Presenter:	David Valenzuela, Ventura County

2009 Chaptered Bill Analysis

Bill Number:	AB 620
Chapter Number:	458
Author:	Assembly Member Perez
Topic:	County Clerks; recordkeeping; registrations
Impact:	Major
Summary:	<p>Changes the specific size requirements for professional registration (process server, photocopier, LDA, UDA) ID cards to instead be a minimum size of 3 ¼ x 2".</p> <p>Deletes the provision authorizing the issuance of employee ID cards for LDA and UDA registrations.</p> <p>Clarifies employee ID cards issued for Professional Photocopier registrations filed by a corporation or partnership must also include the name of the corporation or partnership that is registered.</p> <p>Clarifies that ID cards issued in the name of a partnership or corporation do not include a photo.</p> <p>Adds a new provision to Professional Photocopier registrations requiring the applicant to certify the information in the application is true. Provides that a person or entity that knowingly provides false information is subject to specified civil penalties.</p> <p>Adds a new provision to Professional Photocopier registrations if the notary commission is held by someone other than the registrant, written confirmation from the notary authorizing the use of their commission for the registration is required.</p> <p>Authorizes the destruction of fictitious business renewal notices that are returned undeliverable by the U.S. Postal Service.</p>
Effect:	Amends Business & Professions Code Sections 6407, 22355, 22452, 22454 and 22457
Actions Required:	Inform staff, update processing instructions, update applications, update ID cards for employees of professional photocopier registrations, DO NOT issue employee ID cards for LDA or UDA registrations as of 01/01/2010 (employees who are performing the duties of an LDA or UDA must qualify, file an individual registration and be issued their own ID card).
Presenter:	Vicki Petersen, Sonoma County

2009 Chaptered Bill Analysis

Bill Number:	AB 1123
Chapter Number:	137
Author:	Assembly Member Davis
Topic:	Professions and vocations; process servers; registrations
Impact:	Minor
Summary:	Clarifies that a process server must submit at the time of renewing a registration that has lapsed, a completed Request for Live Scan form confirming fingerprint submission to the Department of Justice and the Federal Bureau of Investigation, in order to verify that the registrant has not been convicted of a felony.
Effect:	Amends Business & Professions Code Section 22351.5
Actions Required:	The County Clerk will need to ensure a process server submits live scan fingerprints when renewing a registration that has lapsed.
Presenter:	Donna Allred, Sacramento County

2009 Chaptered Bill Analysis

Bill Number:	AB 1143
Chapter Number:	512
Author:	Assembly Member Ma
Topic:	Marriage; name
Impact:	Major
Summary:	<p>Adds a provision authorizing applicants to retain & add to their existing middle name when choosing a new name on the marriage license.</p> <p>Clarifies acceptable middle names and last names as follows:</p> <p>A person may adopt any of the following middle names:</p> <ul style="list-style-type: none">◆ The current last name of either spouse◆ The last name of either spouse given at birth◆ A hyphenated combination of the current middle name and the current last name of the person or spouse◆ A hyphenated combination of the current middle name and the last name given at birth of the person or spouse <p>A person may adopt any of the following last names:</p> <ul style="list-style-type: none">◆ The current last name of the other spouse◆ The last name of either spouse given at birth◆ 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◆ A hyphenated combination of last names <p>Provides for a process to correct 'clerical errors' in the new name field using an amendment, and defines a clerical error as "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."</p>
Effect:	Amends Family Code Section 306.5
Actions Required:	Train staff, update website, update instructions to couples, update applications
Presenter:	Vicki Petersen, Sonoma County; Karen Roth, Office of Vital Records
Notes:	See additional hand-outs related to The Name Equality Act of 2007

2009 Chaptered Bill Analysis

This page intentionally left blank

2009 Chaptered Bill Analysis

Bill Number:	AB 1164
Chapter Number:	140
Author:	Assembly Member Tran
Topic:	Maintenance of the codes
Impact:	Informational
Summary:	Language clean-up
Effect:	To clean up language of various codes
Actions Required:	None
Presenter:	David Valenzuela, Ventura County

2009 Chaptered Bill Analysis

Bill Number:	AB 1245
Chapter Number:	519
Author:	Assembly Member Monning
Topic:	Recovery of Public Records
Impact:	Informational
Summary:	<p>Adds Chapter 3.01 (commencing with Section 6204) to Division 7 of Title 1 of the Government Code relating to public records.</p> <p>Existing laws provide a level of protection from theft or destruction of public records, but AB 1245 provides State and Local agencies a legal means to recover public governmental agency records that have been removed from public custody and held or sold by private by persons or entities, if those persons do not have lawful possession of the records, and provides a mechanism to return them to the public.</p> <p>Authorizes a procedure for the Secretary of State and Attorney General to take action to recover government records in unlawful possession by persons or institutions and sets forth near identical process for <i>local agencies</i> to do the same either by acting on their own behalf or by requesting the Secretary of State to act on their behalf.</p>
Effect:	Enacts method of recovery of public records, thereby furthering efforts to preserve public records and public access. Allows local agencies to call upon state's resources to aid in recovery of unlawfully held local govt. agency records.
Actions Required:	If a local agency has reasonable grounds to believe that a record belonging to that local agency is in the possession of a person, organization, or institution not authorized by law to possess the record, it may request the Secretary (of State) to act on its behalf pursuant to the procedures specified in Sections 6204 and 6204.1, or under 6204.2 <u>undertake on its own behalf the same procedure</u> available to the secretary under the sections.
Presenter:	Kathleen Moran, Colusa County

Continued on next page

2009 Chaptered Bill Analysis

Bill Number: **AB 1245** continued

Notes: Following the procedure outlined in AB 1245 the local agency would issue a written notice demanding that person, organization, or institution (believed to be in unlawful possession of a local agencies record) to do either of the following within 20 calendar days of receiving the notice:

- (1) Return the record to the appropriate state or local agency.
- (2) Respond in writing and declare why the record does not belong to the state or a local agency.

If the person, organization or entity does not respond to that notice the local agency may request the county district attorney, or city attorney, to petition the superior court in the county in which the record is located for an order requiring the return of the record. After a hearing, and upon a finding that a specified record is in the possession of a person, organization, or institution not authorized by law to possess the record, the court shall order the record to be delivered to the local agency or a government official designated by the court.

The court may issue any order necessary to protect the record from destruction, alteration, transfer, conveyance, or alienation by the person, organization, or institution in possession of the record, and may order the record to be surrendered into the custody of the local agency pending the court's decision on the petition. The court may order the record to be available for public access under a request made pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250)).

Note: AB 1245 concerns unlawful possession of the public record. There is a "Safe Harbor Provision" which permits organizations or institutions having possession of public records to continue possession if they are preserving, caring and managing the records in accordance with commonly accepted professional practices and are providing public access to the records.

2009 Chaptered Bill Analysis

Bill Number:	SB 40
Chapter Number:	552
Author:	Senator Correa
Topic:	Recording Documents with SSNs
Impact:	Informational
Summary:	<p>States that a document with SSN is not entitled to be recorded if the document is created after Jan. 1, 2010. The law clarifies interpretation of existing law by some county counsels that recorders don't have the authority to reject documents presented with full SSNs.</p> <p>Abstract of Support Judgments shall only contain last four digits of SSN.</p>
Effect:	<p>Allows Recorder to reject documents that contain more than last 4 of SSN. Some recorders have been accepting documents with full SSNs despite the law change in 2008 because their county counsels claim they don't have the authority to refuse them. The law saves money for counties by requiring truncated SSNs on abstracts of judgment, eliminating the need for counties to create separately redacted "public copy" versions of the record.</p>
Actions Required:	None
Presenter:	David Valenzuela, Ventura County
Notes:	Important to Recorder

2009 Chaptered Bill Analysis

Bill Number:	SB 54
Chapter Number:	625
Author:	Senator Leno
Topic:	Out-of-state same-sex marriages
Impact:	Important
Summary:	To clarify the status of same-sex marriages that occurred outside of the state of California. This bill provides that a marriage between two persons of the same sex contracted outside of California that is valid by the laws of the jurisdiction in which the marriage was contracted and that was contracted before November 5, 2008 is valid in California.
Effect:	Amends Family Code Section 308. This bill also speaks to same-sex out of state marriages entered into after November 5, 2008 in that the couples of such marriages (after the passage of Prop 8) will have all of the same rights, responsibilities and obligations as married couples, with the sole exception of using the legal designation of "marriage."
Actions Required:	None
Presenter:	Barbara Chambers, Contra Costa County

2009 Chaptered Bill Analysis

Bill Number:	SB 113
Chapter Number:	332
Author:	Committee on Local Government
Topic:	Foreign Birth and Death Certificates
Impact:	Informational
Summary:	<p>Existing law authorizes a county recorder, in the last county of permanent residence of one or both parents of a child, to record a certificate of birth or of birth data issued by an agency of the government of the United States to authenticate a birth of a child to a United States citizen outside of the United States, as specified, and to record a certificate of death or death data issued by an agency of the government of the United States to authenticate the death of a United States citizen outside the United States, as specified. This bill would repeal that provision and instead require a county recorder to issue a certified copy of a foreign birth or death recorded in the office of the county recorder only as an official record of the county recorder, and not as a certified copy of a vital record, as specified. This bill would prohibit a certificate of birth or death outside of the United States from being recorded by the recorder, except as specified.</p>
Effect:	<p>This bill would prohibit a certificate of birth or death outside of the United States from being recorded by the recorder, except as specified and will require a county recorder to issue a certified copy of a foreign birth or death recorded in the office of the county recorder only as an official record of the county recorder, and not as a certified copy of a vital record.</p>
Actions Required:	<p>Stop Recording foreign birth and deaths and do not issue previously recorded events as vital statistics.</p>
Presenter:	Sheila Harmon, Ventura County
Notes:	Important to Recorder

2009 Chaptered Bill Analysis

Bill Number:	SB 359
Chapter Number:	584
Author:	Senator Romero
Topic:	Records; disclosure exemptions
Impact:	Informational
Summary:	Amends the California Public Records Act by revising the list of records exempted or prohibited from disclosure by federal or state law.
Effect:	Amends Government Code Sections 6275, 6276.02, 6276.04, 6276.06, 6276.08, 6276.10, 6276.12, 6276.14, 6276.16, 6276.18, 6276.22, 6276.24, 6276.26, 6276.28, 6276.30, 6276.32, 6276.34, 6276.36, 6276.38, 6276.40, 6276.42, 6276.44, 6276.46, and 6276.48
Actions Required:	None
Presenter:	Cyndi Viall, Orange County
Notes:	Joined with AB 1540, Ch 298. Section 12.5 of this bill incorporates amendments to Government Code Section 6276.24 proposed by both this bill and AB 1540. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Government Code Section 6276.24, and (3) this bill is enacted after AB 1540, in which case Section 12 of this bill shall not become operative.

2009 Chaptered Bill Analysis

Bill Number:	SB 635
Chapter Number:	356
Author:	Senator Patricia Wiggins
Topic:	Marriage licenses; vital records; fees; domestic violence
Impact:	Solano and Sonoma Counties only
Summary:	Existing law requires collection of fees for issuing marriage licenses, providing certified copies of vital records; for the establishment of county domestic violence program special funds to fund local domestic violence programs; for the deposit into these funds by the county clerk certain fees collected by the county at the time of issuance of the above vital records. Existing law authorizes the Alameda and Solano County Board of Supervisors and the City Council of the City of Berkeley to increase these fees as specified each year through 2010. This bill would extend the operation of the provisions applicable to Solano County until Jan. 1, 2011 and adds the authority for Sonoma County until Jan. 1, 2015.
Effect:	Solano and Sonoma counties will be able to continue to raise fees within specific guidelines as outlined in the amended Gov.(Sec. 26840.11, 26840.12), Health & Safety (Sec. 103628, 103628.2) and Welfare & Institutions Codes (Sec. 18309.5, 18309.6) for a defined period of time.
Actions Required:	Solano and Sonoma Counties' Boards of Supervisors will have to determine if increases in fees are necessary to fund the domestic violence programs, based on cost analysis studies and then present reports to the Assembly and Senate. Time frames and specifics are detailed in the enactment. County Clerks will need to collect these fees which will be a part of the fee for the particular document being generated
Presenter:	Kathy Wolf, Santa Cruz County

2009 Chaptered Bill Analysis

Bill Number:	SB 676
Chapter Number:	606
Author:	Senator Wolk
Topic:	Local Fees
Impact:	Informational only
Summary:	This bill changes the language on several county fees including the increase of the base recording fee from \$4.00 to \$10.00
Effect:	Counties would be able to increase the maximum fee for the first page to \$10.00.
Actions Required:	There has been much discussion concerning the fee increase. Most counties feel it will be in their best interest to conduct a fee study. There are also different opinions as to whether a county is required to go to the Board of Supervisors for approval. Some counties feel it would be a protection to receive Board approval in case a county is sued.
Presenter:	David Valenzuela, Ventura County
Notes:	<p>Important to Recorder – The CRAC Board of Directors will be preparing a “White Paper” to address these issues.</p> <p>This bill is included as a reference because it originally contained a provision to increase the County Clerk processing fee for CEQA notices. That provision was later amended out of this bill.</p>

2009 Chaptered Bill Analysis

Topic: CEQA Document Filing Fees (Fish and Game)

Impact: **Major**

Summary: Pursuant to Fish and Game Code Section 711.4, the Department shall impose and collect a filing fee to defray the costs of managing and protecting California's vast fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs.

On September 29, 2006 Senate Bill 1535 was passed increasing the amounts of filing fees collected by the Department, and requires the Department to adjust the fees annually pursuant to Fish and Game Code Section 713. The annual fee adjustments are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce.

Effect: The table below contains the CEQA filing fees for 2009, and the adjusted fees that will become effective on 01/01/2010.

The filing fees for CEQA documents are as follows:

CEQA Document	2009 Filing Fee	Filing Fee Effective 01/01/2010
Negative Declaration (ND)	\$1,993.00	\$2,010.25
Mitigated Negative Declaration (MND)	\$1,993.00	\$2,010.25
Environmental Impact Report (EIR)	\$2,768.25	\$2,792.25
Environmental Document pursuant to a Certified Regulatory Program (CRP)	\$941.25	\$949.50
County Clerk Processing Fee	\$50.00	\$50.00

Actions Required: County Clerk's will need to make sure they collect the appropriate fees for all documents received on or after 01/01/2010.

Presenters: Kenton Owyang, San Francisco County

2009 New Law Workshop

Hand-Outs

APPLICATION FOR CERTIFIED COPY OF A MARRIAGE CERTIFICATE

Effective January 1, 2010, California State Law, Health and Safety Code Section 103526, permits only authorized persons as defined below to receive certified copies of marriage records.

Note: If the marriage license was not issued in _____ County, then the _____ County Clerk/Recorder will not have the marriage certificate. Please order the marriage certificate from the Recorder or County Clerk of the county where the license was issued.

Fees: \$____ per copy (payable to _____). If no record of the marriage is found, the \$____ fee will be retained for searching the record (Health & Safety Code Section 103650) and a Certificate of No Record will be issued to the applicant. Copies may be obtained in person or by mail at:

County Name and Address

Please indicate the type of certified copy you are requesting:

Non-confidential (public) marriage certificate:

To receive a **Certified Copy** I am:

- The registrant (one of the parties to the marriage)
- A parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant
- A party entitled to receive the record as a result of a court order (include a certified copy of the court order with this request)
- A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business
- An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate (if by power of attorney, include a copy of the power of attorney with this request)

Those who are not authorized by law to receive a certified copy of a non-confidential (public) marriage record will receive a certified copy marked "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY"

Confidential marriage certificate:

To receive a **Certified Copy** I am:

- One of the parties to the confidential marriage
- A party entitled to receive the record as a result of a court order pursuant to Family Code Section 511(c) (include a certified copy of the court order with this request)

Those who are not authorized by law to receive a certified copy of a confidential marriage record will receive a letter confirming the existence of a confidential marriage pursuant to Family Code Section 511(c).

DO NOT complete the rest of this form before reading the detailed instructions on Page 3.

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)

Printed Name and Signature of Person Completing Application		Today's Date	Telephone Number – Area Code First ()	
Address – Number, Street	City		State	ZIP Code
Name of Person Receiving Copies, if Different From Above	No. of Copies	Amount Enclosed	Purpose of Request	
Mailing Address for Copies, If Different From Above	City		State	ZIP Code

NAMES OF BOTH PARTIES TO THE MARRIAGE (PLEASE PRINT OR TYPE)

First Name	Middle Name	Last Name as listed on marriage certificate
First Name	Middle Name	Last Name as listed on marriage certificate
Date of Marriage – Month, Day, Year	County Where License was Issued	County of Marriage

SWORN STATEMENT

(*Required for certified copy of record. This Sworn Statement is not required when requesting an Informational certified copy which is not valid to establish identity)

*Any member of a law enforcement agency or a representative of a state or local government agency, as provided by law, who orders a copy of a record to which subdivision (a) applies in conducting official business must complete the Sworn Statement, however, they may not be required to have their signature on the Sworn Statement acknowledged by a Notary Public.

I, _____, declare under penalty of perjury under the laws of the State of California,
 (Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c), and am eligible to receive a certified copy of the marriage certificate of the following individual(s):

Name of Both Parties Listed on the Marriage Certificate	Your Relationship to the Parties Listed on the Marriage Certificate

(The remaining information must be completed in the presence of a Notary Public or County Clerk staff.)

Subscribed to this _____ day of _____, 20____, at _____,
 (Day) (Month) (City) (State)

 (Signature of person requesting certified copy)

Note: If submitting your order by mail or fax, you must have your signature on the Sworn Statement acknowledged by a Notary Public using the Certificate of Acknowledgment below. If submitting your order in person, you must sign this in the presence of _____ staff.

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)
) ss
 County of _____)

On _____, before me, _____, personally
 (Insert your name and title)

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
 (NOTARY SEAL)

 NOTARY SIGNATURE

INSTRUCTIONS:

1. As of January 1, 2010, **ONLY** individuals who are authorized by Health and Safety Code Section 103526 can obtain a Certified Copy of a Non-Confidential (public) Marriage Record. (Page 1 of the application identifies the individuals who are authorized to make the request.) All others may receive a Certified Informational Copy which will be marked, "Informational, Not a Valid Document to Establish Identity." Certified copies of confidential marriage certificates are only available to the parties of that confidential marriage. Informational copies are **not** available for confidential marriage certificates.
2. Complete a separate application form for each record of marriage requested.
3. Complete the **Applicant Information** section on the first page of this form and provide your signature where indicated. Provide all the information you have available to identify the record of the registrant under **Marriage Certificate Information**. If the information you furnish is incomplete or inaccurate, it may be impossible to locate the record.
4. **SWORN STATEMENT:**
 - The authorized individual requesting the certified copy must sign the attached Sworn Statement, declaring, under penalty of perjury, that they are eligible to receive the certified copy of the marriage record and identify their relationship to the registrant.
 - If the application is being submitted by mail or fax, your signature on the Sworn Statement **must be** acknowledged by a Notary Public. (To locate a Notary Public, see your local yellow pages or call your banking institution.)
 - Any member of a law enforcement agency or a representative of a state or local government agency, as provided by law, who orders a copy of a record to which subdivision (a) applies in conducting official business is required to complete the Sworn Statement, however, they may not be required to have their signature on the Sworn Statement acknowledged by a Notary Public.
 - If the application is being submitted in person at the _____ Office, the Sworn Statement **must be signed by you in the presence of _____ staff, and your signature does not have to be acknowledged by a Notary Public. You must also provide valid photo identification to the _____ staff at the time you apply for the copy.**
 - A Sworn Statement does not need to be provided if you are requesting a Certified Informational Copy of a non-confidential (public) marriage record.
5. Submit \$_____ for **each** certified copy requested. If no record of the marriage is found, the \$_____ fee will be retained for searching the record (as required by Health & Safety Code Section 103650) and a Certificate of No Public Record, or a letter confirming the existence of a confidential marriage will be issued to the applicant. Indicate the number of certified copies you wish and include the correct fee(s) in the form of a personal check, postal or bank money order (International Money Order for out-of-country requests) made payable to the _____. Mail this application with the fee(s) and a self-addressed stamped envelope to:

County Name and Address

6. Credit card orders may be processed on-line at www.vitalchek.com Additional costs apply for processing orders using a credit card. Please follow the directions on Vitalchek's website if ordering using a credit card.

APPLICATION FOR CERTIFIED COPY OF A CONFIDENTIAL MARRIAGE CERTIFICATE

Note: If the marriage license was not issued in _____ County, then the _____ County Clerk will not have the marriage certificate. Please order the marriage certificate from the County Clerk of the county where the license was issued.

Fees: \$ _____ per copy (payable to _____). If no record of the marriage is found, the \$ _____ fee will be retained for searching the record (Health & Safety Code Section 103650) and a Certificate of No Record will be issued to the applicant. Copies may be obtained in person or by mail at:

County Name and Address

Confidential marriage certificate:

To receive a **Certified Copy** I am:

- One of the parties to the confidential marriage
- A party entitled to receive the record as a result of a court order pursuant to Family Code Section 511 (c) (include a certified copy of the court order with this request)

Those who are not authorized by law to receive a certified copy of a confidential marriage record will receive a letter confirming the existence of a confidential marriage pursuant to Family Code Section 511(c).

APPLICANT INFORMATION (PLEASE PRINT OR TYPE)

Printed Name and Signature of Person Completing Application		Today's Date	Telephone Number – Area Code First ()	
Address – Number, Street	City		State	ZIP Code
Name of Person Receiving Copies, if Different From Above	No. of Copies	Amount Enclosed	Purpose of Request	
Mailing Address for Copies, If Different From Above	City		State	ZIP Code

NAMES OF BOTH PARTIES TO THE MARRIAGE (PLEASE PRINT OR TYPE)

First Name	Middle Name	Last Name as listed on marriage certificate
First Name	Middle Name	Last Name as listed on marriage certificate
Date of Marriage – Month, Day, Year	County Where License was Issued	County of Marriage

SWORN STATEMENT

I, _____, declare under penalty of perjury under the laws of the State of California,
(Printed Name)

that I am an authorized person, as defined in California Health and Safety Code Section 103526 (c)(1) and Family Code Section 509(a), and am eligible to receive a certified copy of the marriage certificate of the following individual(s):

Name of Both Parties Listed on the Marriage Certificate	Your Relationship to the Parties Listed on the Marriage Certificate

(The remaining information must be completed in the presence of a Notary Public or County Clerk staff.)

Subscribed to this _____ day of _____, 20____, at _____, _____.
(Day) (Month) (City) (State)

(Signature of person requesting certified copy)

Note: If submitting your order by mail or fax, you must have your signature on the Sworn Statement acknowledged by a Notary Public using the Certificate of Acknowledgment below. If submitting your order in person, you must sign this in the presence of _____ staff.

CERTIFICATE OF ACKNOWLEDGMENT

State of _____)
County of _____) ss

On _____, before me, _____, personally
(Insert your name and title)

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under *PENALTY OF PERJURY* under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
(NOTARY SEAL)

NOTARY SIGNATURE

The Name Equality Act of 2007

The Name Equality Act of 2007 (Chapter 567, Statutes of 2007 (AB 102)) became effective January 1, 2009, and was amended (Chapter 512, Statutes of 2009 (AB 1143)) effective January 1, 2010.

Family Code, Section 306.5 provides that at the time of application for a marriage license, one or both parties to the 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 that information on the marriage license application.

A person may adopt any of the following ***middle names***:

- ◆ The current last name of either spouse
- ◆ The last name of either spouse given at birth
- ◆ A hyphenated combination of the current middle name and the current last name of the person or spouse
- ◆ A hyphenated combination of the current middle name and the last name given at birth of the person or spouse

A person may adopt any of the following ***last names***:

- ◆ The current last name of the other spouse
- ◆ The last name of either spouse given at birth
- ◆ 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
- ◆ A hyphenated combination of last names

*A segment is a contiguous portion of the name; it is an identifiable match of a portion of the current last name or the last name given at birth of either spouse (Fields 1C, 1D, 12C, 12D). The segment may not omit or add new letters and the letters may not be changed around to create an entirely different segment that does not match a portion of the current last name or the last name given at birth of either spouse.

Hyphenated middle and/or last names **may or may not** include an actual hyphen (-) between the names. This should be decided by the party wishing to hyphenate their name.

When a party to a marriage adopts a new middle and/or last name, ***all*** name fields in the area entitled “New Names” for that party must be completed.

When a party does not elect to change their name, each of the new name fields for that party must be completed with two dashes (--).

If a license has been issued incorrectly due to a clerical error, an amendment may be prepared in order to correct the error. 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 listed as “correcting a clerical error.”

NOTE: A “clerical error” is when the information shown on the marriage license differs from that shown on the ***application*** for a marriage license.

After a marriage certificate is registered by the local registrar, the certificate may not be amended to add the new name or change the name adopted.

For purposes of completing the marriage license, the following names on the marriage license application may be used to establish a new middle name for the parties as follows:

ACCEPTABLE MIDDLE NAMES:

FIRST PERSON MIDDLE NAME	
1B (their own middle name)	<i>Or</i>
1C (their current last name)	<i>Or</i>
1D (their last name at birth)	<i>Or</i>
12C (spouse's current last name)	<i>Or</i>
12D (spouse's last name at birth)	<i>Or</i>
Hyphenated combination of 1B & 1C (their current middle name & their current last name) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 1B & 1D (their current middle name and their last name at birth) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 1B & 12C (their current middle name & their spouse's current last name) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 1B & 12D (their current middle name & their spouse's last name at birth) may or may not contain a hyphen	

SECOND PERSON MIDDLE NAME	
12B (their own middle name)	<i>Or</i>
12C (their current last name)	<i>Or</i>
12D (their last name at birth)	<i>Or</i>
1C (spouse's current last name)	<i>Or</i>
1D (spouse's last name at birth)	<i>Or</i>
Hyphenated combination of 12B & 12C (their current middle name & their current last name) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 12B & 12D (their current middle name & their last name at birth) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 12B & 1C (their current middle name & their spouse's current last name) may or may not contain a hyphen	<i>Or</i>
Hyphenated combination of 12B & 1D (their current middle name & their spouse's last name at birth) may or may not contain a hyphen	

NOTE: Parties wishing to adopt a new middle name must do so using the entire name or a hyphenated combination of names as shown above. Segments of a name are not acceptable in the middle name fields.

NOTE: The law does not allow someone to drop their existing middle name by using the marriage certificate. They must keep their existing middle name or change it. In other words, if there is any middle name in 1B or 12B, there MUST BE an entry in 30B or 31B, either the existing middle name or a new middle name.

The new middle name field should not contain dashes (--) if a party has elected to change their name unless that party does not have a current middle name shown in field 1B or 12B, and they are not adopting a new middle name.

For purposes of completing the marriage license, the following last names on the marriage license application may be used to establish a new last name for the parties as follows:

ACCEPTABLE LAST NAMES:

FIRST PERSON LAST NAME	
1D (their last name at birth)	Or
12C (their spouse's current last name)	Or
12D (their spouse's last name at birth)	Or
Combining into a <i>single last name</i> all or a *segment of 1C, 1D, 12C or 12D (their current last name, their last name at birth, their spouse's current last name, or their spouse's last name at birth)	Or
Hyphenated combination of 1C & 12C (their current last name & their spouse's current last name) may or may not contain a hyphen	Or
Hyphenated combination of 1C & 12D (their current last name & their spouse's last name at birth) may or may not contain a hyphen	Or
Hyphenated combination of 1C & 1D (their current last name & their last name at birth) may or may not contain a hyphen	Or
Hyphenated combination of 1D & 12C (their last name at birth & their spouse's current last name) may or may not contain a hyphen	Or
Hyphenated combination of 1D & 12D (their last name at birth & their spouse's last name at birth) may or may not contain a hyphen	

SECOND PERSON LAST NAME	
12D (their last name at birth)	Or
1C (their spouse's current last name)	Or
1D (their spouse's last name at birth)	Or
Combining into a <i>single last name</i> all or a *segment of 12C, 12D, 1C or 1D (their current last name, their last name at birth, their spouse's current last name, or their spouse's last name at birth)	Or
Hyphenated combination of 12C & 1C (their current last name & their spouse's current last name) may or may not contain a hyphen	Or
Hyphenated combination of 12C & 1D (their current last name & their spouse's last name at birth) may or may not contain a hyphen	Or
Hyphenated combination of 12C & 12D (their current last name & their last name at birth) may or may not contain a hyphen	Or
Hyphenated combination of 12D & 1C (their last name at birth & their spouse's current last name) may or may not contain a hyphen	Or
Hyphenated combination of 12D & 1D (their last name at birth & their spouse's last name at birth) may or may not contain a hyphen	

*A segment is a contiguous portion of the name; it is an identifiable match of a portion of the current last name or the last name given at birth of either spouse (Fields 1C, 1D, 12C, 12D). The segment may not omit or add new letters and the letters may not be changed around to create an entirely different segment that does not match a portion of the current last name or the last name given at birth of either spouse.

When a party does not elect to change their name, each of the new name fields for that party must be completed with two dashes (--).