

Meeting Date: Tuesday, July 23, 2019

Time: 10:30 a.m. – 11:26 p.m.

Location: Hyatt Regency, San Francisco Airport, 1333 Old Bayshore Highway, Burlingame, CA 94010

**MINUTES**

2019/2020 County Clerk Legislative Committee Members

|  |  |  |  |
| --- | --- | --- | --- |
| Candace Grubbs, Butte | X | Joani Finwall/Melissa Garcia, San Bernardino | P/P |
| Elizabeth Gutierrez, Contra Costa | P | Val Wood, San Diego | P |
| Chuck Storey, Imperial | X | Teresa Williamson, San Joaquin | X |
| Kammi Foote, Inyo | P | Joe Holland, Santa Barbara | P |
| Portia Sanders/Monique Blakely/Jaime Pailma, Los Angeles | X/X/P | Gina Alcomendras/Wardell House, Santa Clara | X/X |
| Paula Pesut, Placer | P | Deva Proto/Carrie Anderson, Sonoma | X/P |
| Lisa Anderson, Riverside | X | David Valenzuela/Sheila Harmon, Ventura | X/X |
| Donna Allred, Sacramento | P |  |  |

(**P** – Present; **X** – Not in attendance)

1. **Call to Order**

Meeting started at 10:34 AM

1. **Roll call**
2. **Additional attendee roll call**

Also attending:

|  |  |
| --- | --- |
| ***Attendee*** | ***County*** |
| Jaime Parangan/Joseph Barton | Contra Costa |
| Kelly Sanders | Humboldt |
| Julia Melendez | Los Angeles |
| Amanda McKinney | Modoc |
| Angie Munoz | Monterey |
| Hugh Nguyen/Nadia Al Obaidi/Vanessa Cabrera | Orange |
| Doug Cady/Michelle Martinez Barrera | Riverside |
| Andrew Graham/Sheri Dyer | Sacramento |
| Sheyla Gonzalez-Fines | San Benito |
| DeAnna Hernandez/Nicole Barber/Reyna Ayala | San Diego |
| Juliet Fernandez | San Mateo |
| Danielle Rifilato/Melinda Greene | Santa Barbara |
| Margarita Williams | Santa Cruz |
| Sarah Murrietta | Shasta |
| Amanda King | Sonoma |
| Marie Smart | Sutter |

1. **Approval of June 27, 2019 Minutes**

Motion to approve: Paula Pesut, Placer; Second: Melissa Garcia; San Bernardino. Minutes were approved.

1. **Legislative advocate update**

The Legislature has adjourned for the annual summer session recess and will return again on August 12th to finish their 2019 Session. Prior to adjournment, the Assembly and Senate completed their policy committee work for bills that had reached the Second House. Any measure that failed to clear the opposite House policy committee is now considered a “2-year bill” and cannot move until next January.

That being said, the Legislature still has plenty of work to do when they return next month. They will return to two massive fiscal hearings in the Assembly and State Appropriations Committee. These committees will be working throughout the summer to determine the cost of each bill in their possession and will impose amendments to reduce impacts on the State General Fund, allow the bills to move to the floor, or opt to hold the measure in committee; effectively killing it for the year.

In any event, once the clock strikes midnight on September 13th, the 2019 Session will end. Any bill that has not collected adequate votes to ensure passage of both floors will be reclassified as a 2-year bill. Again, these measures that fail to win approval this year will have an opportunity to move next year.

**AB 716 Fictitious Business Name Electronic Acknowledgment**

This bill would allow for the electronic acknowledgment of identity to be done for the Fictitious Business Name process. The Governor has signed the bill and it goes into effect January 1, 2020. Los Angeles is currently working to go live with complete online FBN transactions by the end of 2020. Inyo and Sonoma are currently accepting FBN statements online. Discussion about high error rates, many customers were not approved through VitalChek/LexisNexis (billing address did not match identification address or they were using someone else’s credit card). This issue has seemed to have been addressed and since been improved by VitalChek, resulting in higher success rates. It is possible that numbers are skewed though, depending on how they calculate success rates.

Question: Is it necessary to have a wet signature for FBNs?

Each county should refer to their own county counsel, but LA is allowing for electronic signatures for over the counter and kiosks, but do require wet signatures for mail applications.

**SB 30 Domestic Partnership: Persons Under 62 Years of Age**

Bill regarding bifurcating the State and local process for domestic partnership registrations that removes the mandate for the Secretary of State’s office must share their applications with the public through the county clerk’s office. The bill is on its final step before being signed. There does not seem to be any issues regarding this bill. Appears as though this bill will pass.

**AB 199 California Online Notary Act of 2019**

Currently a 2-year bill. Matt will be on the stakeholder committee and will be able to communicate any issues or concerns that the committee may have. This bill will not have an opportunity to move any more this year. Matt will continue to closely track the bill and remain involved to work towards a resolution. Association and Secretary of State oppose this bill.

**AB 1819 Inspection of Public Records: Use of Requester’s Reproduction Equipment**

The language states the bill would grant the requester the right to use the requester’s equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce any record upon inspection, unless the means of copy or reproduction would damage the record. The bill is based on a news reporter who took a mobile phone picture of a document and a staff member stated that it wasn’t permitted. The bill will have its Senate hearing on August 12, 2019. Matt and Rob are working on amendments. Association opposes this bill unless amended. It is still working its way through the committee.

There was a reference to the use of a flash drive which brings concerns regarding customers being allowed to use flash drives to download documents online. San Diego County reviewed this with county counsel and agrees it is a valid concern. Matt is working with Rob on this bill. There are concerns regarding the protection of historic records and the networks. The committee offered amendments to allow for clerk discretion. The committee will remain engaged and voted to oppose unless amended.

**SB 741 Change of Gender**

This bill adds marriage certificates and birth certificates of a person’s child to existing law that permits a person to file a petition seeking a judgment recognizing the change of gender to female, male, or non-binary. The bill affects the county clerks in that it would apply to all marriage certificates, both public and confidential. Counties would be requested to seal the marriage record and create a new record.

There have been many concerns with this bill and Donna has participated in discussions to communicate these concerns. As currently written, counties would have to direct the State to seal marriage records. Counties do not seal records, the State seals records and directs the counties. This new process should be consistent with the process currently in place. Concerns discussed included: Counties send the original record to the State after 90 days, so they no longer have the original public marriage licenses. The county clerk does retain the original confidential records. Counties would need to get new systems as currently, once the record has been registered, it cannot be changed to create a new record. There are additional issues involved with the new name fields. The bill does not address how the new name fields will be handled or if the party will still be able to change names in accordance with The Name Equality Act. The language in the bill also states that the new record should look exactly the same as the original licenses, yet there will be no signatures on the new license. It is unknown if government agencies will accept new documents with no signatures. It is recommended that the court orders are sent to State, if court orders are kept in the county offices, they can be requested with PRA. When one spouse goes to change the record, the other spouse on the license must be notified of the request for change. The change can only be stopped if the opposing spouse can prove fraud. This bill is centered on gender, but gender hasn’t been an issue since the California marriage licenses became gender neutral. Bride/Groom boxes are optional selections and can be amended. There is nothing that specifies gender on the license, and you can’t tell gender by name of a person.

Donna met with several of the authors to explain that our systems cannot do what they are asking. Will meet again in August, the State needs to be involved and there is no response from the State yet. This bill is now a 2-year bill. Donna and Andrew are working on the language. This is a very political bill and has proven to be a challenge to have concerns heard and addressed.

Question was asked if Donna has reached out to any advocacy organizations to explain potential impact on privacy concerns. Yes, Matt and Rob have reached out to different organizations but they haven’t had any responses. A recommendation was presented to reach out to GLAAD.

1. **Bill Review**

Contra Costa

AB 1213 Enrolled 7/22/19

SB 518 Watching

Inyo

None of the bills have any effect on Clerk. Will continue to watch.

Los Angeles

SB 30 Enrolled

SB 741 Currently 2-year bill

Placer

AB 231 Drop

Riverside

AB 490 Currently 2-year bill

AB 716 Signed into law

SB 744 Watching

Sacramento

AB 394 No Effect

AB 431 No Effect

AB 1152 Watching

SB 311 Currently 2-year bill

SB 373 Currently 2-year bill

San Diego

AB 199 Currently 2-year bill

Santa Clara - representative not present

AB 1130

AB 1184

AB 1819

Ventura – representative not present (David sent a list)

AB 289 Watching

AB 510 Currently 2-year bill

AB 1200 Currently 2-year bill

SB 556 Currently 2-year bill

SB 780 Watching

1. **Legislative Proposals**

None discussed

1. **CRAC - Crossover Legislation**

Monique not present, but Matt and Rob are working on a number of bills.

Two main bills are AB 1819 and SB 741.

1. **For the Good of the Order**

Val will be sending out email for ideas for legislation proposals for 2020.

1. **Adjourned**

Meeting ended at 11:26 AM