June 24, 2021

To: CACEO County Clerks Legislative Committee

From: Matt Siverling, Legislative Advocate

Re: Monthly Report

The Legislature is now more than halfway through the 2021 Legislative Session. June 4th was the last day for any bill to clear the House of Origin Floor. Since this is the first year of a Session, the measures that fail to overcome deadlines have a brief opportunity next year to be heard and move either “as is” or with amendments to secure votes for passage. The Legislature is continuing to adhere to a limited bill load, and is anticipating potentially intermittent activity on the Floor due to the potential of a surge in COVID-19 infections.

The Second House policy committee hearing process has now also begun. They will have until July 16th to hear all opposite House measures that have reached this point in the process. The second policy committee hearing in the first year of a two-year Session is often a location for measures to be held for further amendments or negotiations, since it is typically the final venue for thoughtful amendments to bills prior to fiscal and Floor votes.

Once the policy committee process wraps up in mid-July, the Legislature will adjourn for a Summer Recess that will last through August 16th. Upon return from the Summer Recess, they will have a final push until September 12th to address any measure that is still under consideration for the year.

**SPONSORED BILLS**

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

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

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

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

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

Since the Executive Order currently authorizing the remote and electronic processes for marriage ceremonies and licenses may expire once the “stay at home order” is lifted, we approached the Author and requested that he amend the bill to contain an “urgency clause”, which would make the bill effective immediately. He agreed, and the measure has now been amended.

We also have shifted the principal author status to one of the co-authors, Assemblywoman Laurie Davies. She is a wedding planner by trade, and spoke highly of the bill and concept in committee when she voted for it and asked to be added as a co-author. The measure has already cleared the Senate Judiciary Committee, after some thoughtful and probing questions related to identity verification from Senate Republicans.

After some debate, the measure was unanimously approved and moved on. Since the measure is non-fiscal, the bill skips the Appropriations Committee and goes directly to the Floor. It is currently on Third Reading, and can be taken up for approval as soon as today. Since it was not amended in the Senate, it would move immediately to the Governor for signature.

**Other bills**

**Assembly Bill 819 (Levine) CEQA Notices**

As it is currently written the bill would require that all County Clerks post the EIRs on our websites within 24 hours. This is due to an amendment that was taken in April that created a mandate.

The concern that was communicated to the Author and staff was that the counties would not be ensured to be in compliance with GC 6254.21, which states that no state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual. There is a threshold of “knowingly” attached to the posting; but there is still concern that wholesale posting of notices could result in conflicts with this Section.

We have discussed proposing that, rather than posting individual notices; a link to the county index be posted on the website. We have also proposed directing those in search of an electronic version of CEQA documents to the copy posted by the “lead agency”; who would also be mandated by AB 819 to post documents online.

We conducted a conference call with the Author’s staff, the Association, and Marin and Sonoma Counties to ensure that the concerns are clear and the Author is aware of the pitfalls. We are awaiting a response to our request to assist counties with a workaround to make certain the privacy concerns and the posting of public officials’ home address information. Otherwise, they may choose to move the bill “as is” and send it to the Governor.