February 26, 2019

To: California Association of Clerks and Election Officials

County Clerk Legisaltive Committee

From: Matt Siverling, Legislative Advocate

Re: Legislative Update

The dust has settled on the introduction deadline for measures brought forward for consideration in the 2019 Session. By the close of business on Friday, February 22nd, Assemblymembers and Senators were required to submit changes to law in Legislative Counsel form for introduction into the process. At final count, both Houses ended up introducing 2,577 bills into print for public viewing (Assembly- 1,799, Senate- 778).

A large percentage of these measures could be classified as “spot bills” that have been introduced as placeholders for future language. Members will often introduce bills as a vehicle to simply satisfy a deadline requirement with the intent of amending it later. Bills must remain in print for 30 days before they can be amended or heard in Committee; so the more substantive goals of these “spot bills” remains to be seen next month when the amendment waiting period passes. That being said, we have included some spot bills in the report based on proximity to Code Sections we are about; and the assumption that the future amendments may merit tracking.

The next major deadline to keep an eye on is the final day to hear a bill in policy committee (April 26th for fiscal bills/May3rd for non-fiscal bills). This seems like a long ways off, but once the Committee process gets moving it will be on top of us quickly.

***Sponsored Bills***

**Assembly Bill 716 (Chen) Fictitious Business Name Electronic Acknowledgement**

Existing law requires a person who regularly transacts business in the state for profit under a fictitious business name to file a fictitious business name statement in accordance with prescribed requirements and to file a new statement after a change in the facts set forth in the statement. Existing law requires that these statements be filed with county clerks. Existing law authorizes a county to require a registrant that mails a fictitious business name statement to a county clerk’s office for filing to submit a completed and notarized affidavit of identity. Existing law also authorizes a county clerk to require an agent acting for a person filing a fictitious business statement, generally referred to as a registrant, to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing on behalf of the registrant.

This bill would authorize a county clerk to accept an **electronic acknowledgment** verifying the identity of the registrant using a remote identity proofing process ensuring the registrant’s identification, for purposes of filing fictitious business name statements.

The Author sits on the Business and Professions Committee, where this bill will likely be referred. He also participates in the technology caucus and is active in streamlining and improving public services by integrating technology and electronic options. As the measure moves along, he will be helpful. We need to keep an eye on the standards and language that is suggested by Committee to protect the information transmitted online, but otherwise this measure is in good hands.

**Senate Bill 30 (Lara) Domestic partnership: persons under 62 years of age.**

Existing law defines domestic partnership as two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring. Existing law specifies requirements for entering into a domestic partnership, including that the domestic partners be either of the same sex or of the opposite sex and over 62 years of age.

This bill would remove the requirement that persons be of the same sex or of the opposite sex and over 62 years of age in order to enter into a domestic partnership.

The bill will be shepherded through the process by Senator Scott Wiener, who has agreed to include the CACEO sponsored amendment to remove the requirement that the Secretary of State provide counties with forms related to State registration for domestic partnerships. The amendment will be included in the next round of changes to this bill (within the next few weeks).

**Other Bills of Interest**

**Assembly Bill 199 (Calderon) Online Notaries**

This measure is a reintroduction of a bill from last year (Assembly Bill 2368, Calderon). That measure ended up not moving forward.

Essentially, the proposal would shift California into allowing for a system of electronic notaries to perform services from remote locations and maintain online/digital notary journals.

The bill is strongly opposed by the Secretary of State, and has no guidelines on the storage or retention requirements, uniformity or format issues. We need to be at the table to discuss with stakeholders.

**Assembly Bill 289 (Fong) Public Records Ombudsman**

This bill would declare the intent of the Legislature to enact legislation that would establish an ombudsman within the California State Auditor’s Office who would serve as the appeals body for all requests related to the California Public Records Act.

It comes from an intent to create a third-party mediator to determine whether records are disclosable to resolve disputes between the public and local governments.

The measure is strictly an “intent” bill with no specifics, so we need to track closely.

**Assembly Bill 1213 (Chen) LDA’s**

This bill would add to the list of experience and credentials that qualify an applicant to apply for registration as a legal document assistant the possession of a Juris Doctor degree from a law school approved by the American Bar Association or accredited by the State Bar of California’s Committee of Bar Examiners, or from a law school in another state that is accredited by the agency that accredits law schools in that state.

This would add the education as a JD to the list of other qualification options to perform as an LDA. They report that they have had this option allowed in some counties and not in others and seek uniformity.