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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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IMPACT OF PROPOSITION 8 ON COUNTY CLERK DEPARTMENTS

1. **Same gender marriage licenses and/or ceremonies** are suspended until further action from the court, a written directive from a State Agency is issued informing county clerks otherwise, or, if the vote on Proposition 8 changes when the election is certified by the Secretary of State in mid December.
2. **Certified copies** of all marriage licenses continue to be available to any couple desiring to purchase them.
3. **Officiants** who call to inquire whether or not they can continue performing same gender marriages should be advised that counties have suspended issuing licenses to same gender couples and conducting same gender marriage ceremonies. Refer the officiant to the California Department of Public Health at 916-558-1784 for further direction, or advise the officiant to seek legal advice.
4. **Couples who have a marriage license**, but have not had a ceremony, should be advised that counties have suspended conducting same gender marriage ceremonies. Refer the couple to the California Department of Public Health at 916-558-1784 for further direction, or advise them to seek legal advice.
5. **There are no refunds** for marriage licenses that have already been purchased.
6. **Couples who have questions** as to the validity of their same gender marriage that was performed between June 16 and November 4, can be told the Attorney General has said he believes those marriages will remain valid, and he will defend that issue in court. Contact the Attorney General's office with any questions.
7. **All marriage licenses issued must continue to have the optional "groom" "bride" overlay** added to the license until January 1, 2009, or until county clerks begin using the November 17 forms if the county chose to make those changes.

8. **Persons asking when the marriage license will be changed back to "bride" and "groom"** should be told the State is charged with developing and approving the marriage form. The form is not expected to change again until November 17, when a handful of counties will begin using a new marriage form that incorporates "bride" and "groom" boxes in the margins and changes Party A and Party B to First Person and Second Person. All other counties will continue using the current version of the form and add the "bride" and "groom" overlay until January, 2009 when the forms are already scheduled to change again. FYI: Counties voted at the Vision meeting today to not change the forms back to specifically be "bride" and "groom" so that when the issues related to the Proposition 8 election are resolved, should same gender marriages once again be approved, we won't be in a position of having to scramble in order to get the forms changed again in order to be in compliance. The Association believes the 2009 forms will have the "bride" and "groom" boxes in the side margin similar to the November 17 version, and the current overlay without the word "optional".