



County of Santa Cruz

COUNTY CLERK / ELECTIONS

701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4076
831-454-2060 TOLL-FREE: 866-282-5900 FAX: 831 454-2445 TDD: 831-454-2123
E-MAIL: gail.pellerin@co.santa-cruz.ca.us
Web Sites: www.scco clerk.com & www.votescount.com

GAIL L. PELLERIN, COUNTY CLERK

Same Sex Marriage Information

Updated June 10, 2008
Subject to change

County Clerk Hours: 8 a.m. to 5 p.m., Monday – Friday

When will the County Clerk be able to issue marriage licenses to same-sex couples?

The California Department of Public Health has informed County Clerks that consistent with the California Supreme Court's June 4th order, its decision on same-sex marriage will be final at 5 p.m. June 16, 2008, the California Department of Public Health's Office of Vital Records directs county clerks to begin using the new state marriage license forms at that time. If the courts take additional action, the State will provide further guidance to the counties as needed.

Although the forms become effective at 5:01 p.m. on June 16, 2008, the court's ruling does not require counties to remain open after normal business hours on that date.

The Santa Cruz County Clerk's Office, out of respect for the County's Board of Supervisors who have been a supporter of same-sex marriage and who have a meeting on the evening of June 16, the Santa Cruz County Clerk will begin issuing same-sex marriage licenses and conduct same-sex marriage ceremonies at 8 a.m. on Tuesday, July 17.

Couples wishing to obtain a license that day may call the department at 831-454-2060 or e-mail the County Clerk at gail.pellerin@co.santa-cruz.ca.us to make an appointment. The office will be open on Tuesday, June 17 from 8 a.m. to 8 p.m. to accommodate as many couples as possible.

What is happening June 17 in Santa Cruz County?

We have arranged our staff and schedule to issue 80 marriage licenses on June 17 for couples who want to obtain a license featuring that historic date.

In addition, due to overwhelming support from the community, Santa Cruz County will also be able to conduct wedding ceremonies for up to 80 couples. The Redevelopment

Conference Room in the County Building will be decorated for the occasion with weddings performed every ½ hour, starting at 8 a.m. and ending at 8 p.m. The weddings in the conference room will be shown live on the Internet at media.co.santa-cruz.ca.us/WOW/

In addition, weddings will be offered outside the building in the park, and Santa Cruz City's Mayor Ryan Coonerty is offering ceremonies at City Hall from 5 p.m. to 8 p.m. Santa Cruz County is grateful for the support from Out In Our Faith who will provide volunteer ministers and rabbis to be present on June 17 to officiate at weddings, in addition to those persons deputized by the County Clerk.

At this time, all ceremonies are for individual couples. We are not planning any group weddings.

What do we need to do to be legally married?

1. Apply for and purchase a California marriage license at a California County Clerk's Office in person, and
2. Have a ceremony on or within 90 days after the issue date of the marriage license; and
3. Have the marriage solemnized by a person authorized by California Family Code §400-402. See <http://www.sccoclerk.com/civilmarriage.htm> for who is authorized to perform wedding ceremonies.

How do we apply for a "public" marriage license in Santa Cruz County?

- The fee for a public marriage license is \$75.00, cash or check only.
- Each person must present one form of valid photo identification with proof of age.
- A blood test is not required.

How do we apply for a "confidential" marriage license in Santa Cruz County?

- Both parties must swear in writing that they have already been living together.
- The marriage ceremony may be performed ONLY in Santa Cruz County.
- The marriage record will be maintained as Confidential and ONLY the couple may obtain copies of the marriage certificate, EXCEPT by order of the Superior Court.
- The cost of a Confidential Marriage License is \$90.00, cash or check only.

What is the difference between a "Public" and "Confidential" marriage license?

- **A public** marriage license allows you to get married anywhere in the State of California. You need at least one witness during your ceremony and the marriage record is made available to the public.
- **A confidential** marriage license requires couples to get married in the county where they purchased the license, no witness is required, and the marriage record is only available to either of the marriage partners.

What if we are currently State Registered Domestic Partners?

A Registered Domestic Partnership (RDP) need not be dissolved prior to the issuance of a marriage license if the parties to the RDP and the parties to the marriage are identical.

When will the State prescribed forms be changed to reflect the Court's decision?

The State Department of Public Health issued revised marriage license forms to the counties on May 28, 2008. Samples of the forms as revised are posted at <http://ww2.cdph.ca.gov/HealthInfo/news/Pages/Update05-08.aspx> The current marriage license refers to a "bride" and a "groom" and "an unmarried man" and an "unmarried woman." All County Clerks in the State are required to use the state approved form. The form may not be altered in any way. Basically, the revised forms correct language to make them gender-neutral.

Counties who electronically produce marriage license forms have forwarded the four different marriage license forms and the marriage license amendment to their vendors who need to make the necessary changes and then have the State certify use of their electronically produced form.

How do we have a civil ceremony at the County Clerk's Office?

The cost of a civil ceremony at the County Clerk's Office is \$75, cash or check only. Currently, the office performs ceremonies by appointment every Thursday afternoon. However, to meet the needs of our couples, we will be open Tuesday, June 17, from 8 a.m. to 8 p.m. to issue licenses and perform ceremonies. In addition, we will offer two appointments each weekday, one at 3 p.m. and one at 4 p.m. from June 18 to August 1 for couples to come to the County Building and get married. After that time, we will resume our regular schedule of 3 weddings each Thursday afternoon. The County Clerk will, at that time, determine if additional ceremonies need to be added to the regular Thursday weddings.

Can we get a marriage license anywhere else?

Yes. The court's decision is effective for the entire State of California.

What changes need to be made to California statutes?

Statutes that currently refer to "husband, wife, bride, or groom" are being reviewed by the County Clerk Legislative Committee. The Committee and the California Association of Clerks and Election Officials Legislative Advocates representing County Clerks are working together to do what is necessary to make sure the sections requiring "clean up" to make them gender neutral are identified and the necessary legislative contacts to propose the amendments are made. Legislative changes do not need to occur prior to the issuance of same sex marriage licenses.

What if we were married legally out of State or Country?

Once the court's order is in full effect, Family Code 308.5 will be unconstitutional; therefore, California will then recognize marriages from other jurisdictions, including same-sex marriages such as those in Massachusetts and other countries like Spain and Canada where same-sex marriage is legal.