



CITY OF LONG BEACH

DEPARTMENT OF THE CITY CLERK

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July 8, 2008

ELECTIONS OVERSIGHT COMMITTEE
City of Long Beach
California

RECOMMENDATION:

Receive the City Clerk's Preliminary Report on the conduct of civil marriages, by City Clerk Department staff, in the City of Long Beach.

DISCUSSION

Under California law, ministers, rabbis, judges and commissioners of civil marriages may solemnize civil marriages (see Family Code Section 400 and 401 attached).

Over the years, the City Clerk Department has received inquiries regarding the solemnization of marriages by the City Clerk. In such cases, persons making such inquiries have been referred to the Registrar-Recorder/County Clerk, in Norwalk.

Given the increased cost of transportation, as well as traffic congestion, the City Clerk Department has made inquiry to the Registrar Recorder/County Clerk, as to whether the City Clerk can be appointed to the status of Deputy Civil Marriage Commissioner, pursuant to Family Code Section 401 [b]. On July 8, 2008, the City Clerk will report any progress towards this end.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

None; however, the conduct of civil marriages could increase revenue to the City Clerk Department.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


LARRY HERRERA
CITY CLERK

Attachment

CALIFORNIA FAMILY CODE

SECTION 400-402

400. Marriage may be solemnized by any of the following who is of the age of 18 years or older:

- (a) A priest, minister, rabbi, or authorized person of any religious denomination.
- (b) A judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, commissioner or retired commissioner, or assistant commissioner of a court of record in this state.
- (c) A judge or magistrate who has resigned from office.
- (d) Any of the following judges or magistrates of the United States:
 - (1) A justice or retired justice of the United States Supreme Court.
 - (2) A judge or retired judge of a court of appeals, a district court, or a court created by an act of Congress the judges of which are entitled to hold office during good behavior.
 - (3) A judge or retired judge of a bankruptcy court or a tax court.
 - (4) A United States magistrate or retired magistrate.
- (e) A legislator or constitutional officer of this state or a Member of Congress who represents a district within this state, while that person holds office.

401. (a) For each county, the county clerk is designated as a commissioner of civil marriages.

(b) The commissioner of civil marriages may appoint deputy commissioners of civil marriages who may solemnize marriages under the direction of the commissioner of civil marriages and shall perform other duties directed by the commissioner.

402. In addition to the persons permitted to solemnize marriages under Section 400, a county may license officials of a nonprofit religious institution, whose articles of incorporation are registered with the Secretary of State, to solemnize the marriages of persons who are affiliated with or are members of the religious institution. The licensee shall possess the degree of doctor of philosophy and must perform religious services or rites for the institution on a regular basis. The marriages shall be performed without fee to the parties.