

AMENDED IN SENATE JUNE 16, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1525**

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**Introduced by Assembly Member Lowenthal**

January 17, 2014

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An act to amend Section ~~400~~ 400.1 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1525, as amended, Lowenthal. Marriage: solemnization.

Existing law provides that a marriage may be solemnized by authorized persons of any religious denomination, by specified legislators, constitutional officers, and California Members of Congress, while those persons are currently holding that office, by specified justices, judges, and magistrates, both current and retired, by the county clerk, and by a county supervisor or an elected city mayor, as specified.

This bill would additionally authorize a city clerk to solemnize a marriage.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     **SECTION 1.** *Section 400.1 of the Family Code is amended to*  
2 *read:*  
3     400.1. In addition to the persons specified in Section 400,  
4 marriage may also be solemnized by a county supervisor, *the city*  
5 *clerk of a charter city or serving in accordance with subdivision*  
6 *(b) of Section 36501 of the Government Code, or a mayor of a city*

1 elected in accordance with Article 3 (commencing with Section  
2 34900) of Chapter 4 of Part 1 of Division 2 of Title 4 of the  
3 Government Code, while that person holds office. The county  
4 supervisor, *the city clerk*, or mayor shall obtain and review from  
5 the county clerk all available instructions for marriage  
6 solemnization before the county supervisor or mayor first  
7 solemnizes a marriage.

8 SECTION 1. ~~Section 400 of the Family Code is amended to~~  
9 ~~read:~~

10 ~~400. Although marriage is a personal relation arising out of a~~  
11 ~~civil, and not a religious, contract, a marriage may be solemnized~~  
12 ~~by any of the following who is 18 years of age or older:~~

13 ~~(a) A priest, minister, rabbi, or authorized person of any religious~~  
14 ~~denomination. A person authorized by this subdivision shall not~~  
15 ~~be required to solemnize a marriage that is contrary to the tenets~~  
16 ~~of his or her faith. Any refusal to solemnize a marriage under this~~  
17 ~~subdivision, either by an individual or by a religious denomination,~~  
18 ~~shall not affect the tax-exempt status of any entity.~~

19 ~~(b) A judge or retired judge, commissioner of civil marriages~~  
20 ~~or retired commissioner of civil marriages, commissioner or retired~~  
21 ~~commissioner, or assistant commissioner of a court of record in~~  
22 ~~this state.~~

23 ~~(c) A judge or magistrate who has resigned from office.~~

24 ~~(d) Any of the following judges or magistrates of the United~~  
25 ~~States:~~

26 ~~(1) A justice or retired justice of the United States Supreme~~  
27 ~~Court.~~

28 ~~(2) A judge or retired judge of a court of appeals, a district court,~~  
29 ~~or a court created by an act of Congress the judges of which are~~  
30 ~~entitled to hold office during good behavior.~~

31 ~~(3) A judge or retired judge of a bankruptcy court or a tax court.~~

32 ~~(4) A United States magistrate or retired magistrate.~~

33 ~~(e) A legislator or constitutional officer of this state or a Member~~  
34 ~~of Congress who represents a district within this state, while that~~  
35 ~~person holds office.~~

36 ~~(f) A city clerk.~~