EXECUTIVE ORDER N-58-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, may make it impossible or impractical for individuals to appear in person in connection with various legal obligations generally required in connection with a valid marriage; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately, and to expire after 60 days as set forth in Paragraph 7:

IT IS HEREBY ORDERED THAT:

1) Notwithstanding Family Code section 359 or section 426, or any other provision of law, adult applicants to be married may, in the discretion of the county clerk, be permitted to appear before a county clerk to obtain a marriage license via videoconference, rather than in person, if all of the following requirements are met:

    a) Both applicants are physically present within the State of California, and present such proof of this fact (which may include, but need not be limited to, oral attestation) as the county clerk may require;

    b) The videoconference includes both live video and live audio; and

    c) During the videoconference, each applicant presents (via videoconference) photo identification consistent with Family Code section 354.

    A marriage license issued using the procedure set forth in this Paragraph 1 may be transmitted to the applicants via e-mail or other electronic means.

2) Notwithstanding Family Code section 501 or section 502, or any other provision of law, the procedure set forth in Paragraph 1 may also be used in connection with the issuance of a confidential marriage

license, for applicants who are otherwise eligible to obtain a confidential marriage license.

3) Notwithstanding Family Code sections 420–422 or any other provision of law, the solemnization of a marriage may occur via videoconference that includes both live video and live audio—in which both parties to be married, the person solemnizing the marriage, and at least one necessary witness (and not more than two such witnesses, as set forth in Family Code sections 420 and 422(b)) all participate—in which the parties to be married declare (while visible and audible to the person solemnizing the marriage and any necessary witnesses) that they take each other as spouses. Additional persons invited by the parties may, but need not, also observe the videoconference.

   Before the solemnization of a marriage pursuant to this Paragraph 3, one or both of the parties to be married shall transmit the marriage license via e-mail or other electronic means to the person solemnizing the marriage and to any necessary witnesses.

   Neither the person solemnizing the marriage nor any necessary witnesses need be physically present within the State of California during the solemnization of a marriage pursuant to this Order.

4) Notwithstanding Family Code section 506 or any other provision of law, the solemnization of a confidential marriage may occur via videoconference that includes both live video and live audio, in which both parties to be married and the person solemnizing the marriage all participate, and in which the parties to be married declare (while visible and audible to the person solemnizing the marriage) that they take each other as spouses.

   Before the solemnization of a confidential marriage pursuant to this Paragraph 4, one or both of the parties to be married shall transmit the marriage license via e-mail or other electronic means to the person solemnizing the marriage.

   A person solemnizing a confidential marriage pursuant to this Order need not be physically present within the State of California during the solemnization of the marriage.

5) Notwithstanding any other provision of law, whenever any provision of law (including, but not limited to, Family Code sections 422–423 or section 506) requires the entry of a signature or other information upon a marriage license or certificate (or any other document required in connection with the act of marriage), a photocopy, scan, or other electronic reproduction of that signature or other information shall have the same legal effect as an original signature, and any legible copy of the marriage license or certificate (or other applicable document) transmitted via e-mail or other electronic means shall have the same legal effect as the original.

6) Nothing in this Order shall in any way alter the grounds for denial of a marriage license set forth in Family Code section 352. Nothing in this Order shall in any way restrict the authority of a county clerk to

examine the applicants for a marriage license on oath or to require additional documentary proof as set forth in Family Code section 354. Any procedures related to such examination and proof (including, but not limited, to the reduction of the examination to writing and related signatures) may—but need not—be completed via e-mail or otherwise electronically, in the discretion of the county clerk.

7) The provisions of this Executive Order shall expire 60 days after issuance, unless further extended by future Executive Order.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of April 2020.

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GAVIN NEWSOM
Governor of California

ATTEST:

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ALEX PADILLA
Secretary of State