

The Name Equality Act of 2007

What is the Name Equality Act?

The Name Equality Act of 2007 (AB 102, Chapter 567, Statutes of 2007 amended by AB 1143, Chapter 512, Statutes of 2009) allows one or both applicants for a California marriage license to elect to change the middle and/or last names by which each party wishes to be known after solemnization of the marriage.

What should the public know about the new law?

- One or both parties to a marriage may elect to change the middle and/or last names by which that party wishes to be known after solemnization of the marriage. Each party applying for a marriage license **may** choose to include on their marriage license the **new name** in the spaces provided on the marriage license application without intent to defraud. Changing one's name through this process can only be done at the time the marriage license is issued by the County Clerk or authorized Notary Public, as applicable.
- Each party to the marriage **may** adopt any of the following **last names**:
 - The current last name of the other spouse.
 - The last name of either spouse given at birth.
 - A name combining into a single last name **all or a segment of the current last name or the last name of either spouse given at birth.**
 - A hyphenated combination of last names.
- Each party to the marriage **may** adopt any of the following **middle names**:
 - The current last name of either spouse
 - The last name of either spouse given at birth
 - A hyphenated combination of the current middle name and the current last name of the person or spouse.
 - A hyphenated combination of the current middle name and the birth last name of the person or spouse.

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What should the public know about the new law?

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- Parties to the marriage **may not** change their **first name** on the marriage license. Persons desiring to change their first name must do so by obtaining a court ordered name change through the superior court, pursuant to Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure.
- Parties to the marriage are not required to change their name. Persons who have legal concerns or questions regarding their decision to include a new name or not to include a new name on the marriage license should seek legal advice **before** purchasing the marriage license.
- Parties to the marriage **may not add or amend** this information after the marriage license has been issued.
- Clerical errors in the new name fields may only be amended if the amendment is signed by the county clerk and one of the parties to the marriage.
- This law shall not abrogate the right of either party to adopt a different name at a future date through non-fraudulent common law usage or to petition the superior court for a change of name pursuant to Title 8 (commencing with Section 1275) of Part 3 of the Code of Civil Procedure.

When does the new law take effect?

This law applies only to marriage licenses issued **on or after 01/01/2009**. Marriage licenses issued prior to 01/01/2009 are not covered under the Name Equality Act.

What does the new law mean?

The Name Equality Act allows one party or both parties to a marriage, through the marriage license process, to elect to change the **middle and/or last names** by which that party wishes to be known after solemnization of the marriage. A certified copy of a marriage certificate containing the new name, or retaining the former name, shall constitute proof that the use of the new name or retention of the former name is lawful. The new law also specifies that a certified copy of the marriage certificate shall be accepted as identification establishing a true, full name for purposes of obtaining a California driver's license.

What if I am not sure what name I want to use after marriage or have questions related to my legal rights?

If, at the time the marriage license is purchased, you have not decided on the name you wish to use after marriage, you may change your name at a future date through non-fraudulent usage or a court ordered name change. If you are not sure how the changes may legally affect you or have legal questions about the Name Equality Act, please seek legal advice before purchasing a marriage license.

Am I required to list the name on the marriage license that I will be known by following marriage?

No. You are not required to list the name on the marriage license by which you will be known following marriage. If you choose not to change your name at the time you purchase your marriage license, you **may not add or amend** this information on the marriage license/certificate at a later date. If, **after issuance of the marriage license but before the ceremony**, you decide you want to have your new name added to the marriage license, you must purchase a new marriage license and have the old license voided.

What if I live in another state or country?

There is no prohibition against including new name(s) on the marriage license when applicants do not reside in California or the United States. If you have legal concerns about how the changes may affect you in your particular state or country, you should seek legal advice **before** purchasing a California marriage license.

Will other agencies accept my new name?

The marriage certificate is used by multiple local, state, federal and private agencies, each of which have different requirements regarding what documents are acceptable to change your name on their records following marriage. It is recommended that you contact these agencies to verify their requirements prior to applying for your marriage license.

What written information is the State required to provide?

The law requires that the brochure entitled "Your Future Together" include information regarding the options the parties to the marriage have for choosing a new middle and/or last name upon solemnization of marriage. "Your Future Together" is published by the California Department of Public Health, Genetics Disease Branch.

Who should I call if I have unanswered questions related to this process?

If you have read this pamphlet thoroughly and still have questions that were not answered in this pamphlet, you can contact your County Clerk/Recorder at (619) 237-0502 for further assistance. You may also contact the California Department of Public Health, Office of Vital Records, Customer Service Unit at (916) 445-2684. If you have specific questions how the changes may legally affect you or have legal questions about the Name Equality Act, you should consult with a private attorney.
