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## FACT SHEET NAME EQUALITY ACT (AB 102)

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*Under current law, registered domestic partners must go through a lengthy and costly court process in order to officially adopt new names. Similarly, the right of male spouses to change their names upon marriage is not recognized in the policies, practices and forms of some government agencies.*

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**Sponsor:** Equality California and the American Civil Liberties Union Affiliates of Northern California, Southern California and San Diego

### PURPOSE OF THE PROPOSED LAW

Assembly Bill 102 would guarantee that equal name change options are available to everyone who gets married or registers as a domestic partner in California, regardless of gender or sexual orientation. The bill will ensure that men and women are treated equally when they choose to adopt or not to adopt a new name upon marriage or domestic partnership.

### BACKGROUND

California has long recognized, through the common law, a person's right to change their name through continuous usage over time and without fraudulent intent. In addition, current marriage applications include a space for a female spouse to indicate a change in name, but not one for men. There is no law in California codifying name change rights upon marriage or domestic partnership to ensure that option is equally available to men and women.

Six other states, including Georgia, Hawai'i, Iowa, Massachusetts, New York and North Dakota, have gender-neutral statutes that specify a person's name change rights upon marriage. If passed, AB 102 would make California the first state to include rights for domestic partners to change their names when they register with the state.

### WHAT WOULD THIS BILL DO?

AB 102 would codify the name change rights and options available to all Californians upon marriage or domestic partnership, including, among other things, both spouses or partners taking one spouse or partner's surname, creating a hyphenated surname, combining two surnames into one surname, selecting a new and different surname for both spouses or partners to adopt, or each spouse or partner keeping their current surnames. The bill also cleans up gender-biased language in our current marriage statutes and updates state forms and certificates for marriage and domestic partnership to ensure that name changes are expedient and can be recorded for legal and identification purposes. Finally, the bill cleans up existing state law to ensure that not only female spouses, but also male spouses and domestic partners are protected from discrimination based on their name choices.

## **WHY IS A NEW LAW NECESSARY?**

The policies, practices and forms of some government agencies are outdated and unequal in that they contemplate that only women change their names upon marriage. Indeed, the ACLU of Southern California recently filed a lawsuit in federal court on behalf of Michael Buday and his wife Diana Bijon, who wanted to extend the Bijon family name into another generation. A county clerk, the DMV, and the state records office denied Buday's name change request on the couple's marriage application, leaving them only the option of paying court fees totaling more than \$300 to petition for an official name change. Female spouses do not face the same obstacles in adopting new names when they marry.

Similarly, domestic partnership registration forms do not provide a means for selecting a new name, which creates difficulty in changing legal and identification documents. As a result, many registered domestic partners must petition a state court in order to officially adopt the name of their choice. This process can take months and cost hundreds of dollars to complete.