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# California State Senate

NEWTON R. RUSSELL
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CHILDREN AND YOUTH
PACIFIC RIM

February 20, 1991

Honorable March Fong Eu
Secretary of State
Executive Office
1230 J Street
Sacramento, CA 95814

Dear March:

Upon learning that "Certificates of Registration of Unincorporated Nonprofit Associations" were being issued to individuals registered as "FAMILY OF JOHN DOE AND JANE ROE", I investigated the legality of that procedure. In cooperation with the Western Center on Law and Religious Freedom, I prepared a number of issues which we believed raised serious concerns and possible violations of law. These issues were submitted to Legislative Counsel for analysis and a written opinion. Attached herewith is Legislative Counsel opinion, number 2151.

In response to my request, Legislative Counsel issued in part the following opinion stating:

> A group of persons who live together in a relationship in which they share rights and duties similar to those shared by members of a traditional family are <u>not</u> entitled to register the name of their "association" with the Secretary of State under Section 21301 of the Corporations Code under a style such as "Family of John Doe and Jane Roe."

In your letter of December 20, 1990, you informed me that you were compelled under State law to issues these certificates. The issuance of Certificates as described above have been determined to be in violation of existing California State law

and further issuance of these types of certificates should be terminated and those that were issued should be immediately revoked.

Please let me know what action you intend to take.

Sincerely,

Newton R. Russell
Senator, 21st District

NRR:mz

# "Family Bill of Rights" Targets Pro-Gay Legislation

In response to a variety of pro-gay measures that will be brought before the California state Legislature this year, conservative forces have launched a referendum campaign aimed at changing the state constitution to permanently exclude *all* progressive gay-rights legislation.

News of the "Family Bill of Rights," a proposed initiative to the California ballot, was leaked Feb. 22 from a Sacramento conference, where the Family Congress, a new statewide umbrella organization, was holding strategy meetings. The Family Congress, which asserts that it will devote years to the struggle if necessary, has connections to rabid homophobe, the Rev. Lou Sheldon of the Traditional Values Coalition.

"We can't say just how dangerous it is yet, but if they get this 'Family Bill of Rights' on the ballot, it will be a clear case of bigotry by initiative," says Laurie McBride, executive director of the Lobby for Individual Freedom and Equality (LIFE Lobby), California's only gay-rights and AIDS lobbying organization.

"It's outrageous that any group believes it has a patent on the definition of the family, and that it has the right to impose its ideology on the majority," McBride says.

"Current demographics show that only 15-22 percent of California families fit their definition. It's an attempt to exclude gay and lesbian relationships from any type of legal recognition, but it also cuts out step-families, foster families and extended families. Denying any Californian the right to define their own family is repugnant–and a real slap in the face of communities of color in this state.

"It's clearly designed to prevent any gay-rights legislation that would legalize domestic partnerships, family partnerships and/or and same-sex marriages. It's unclear how this would affect AB 101. Sheldon has vowed to repeal AB 101 through a referendum in 1992. We just don't know yet if they will try to put both items on the ballot," McBride says.

In its Family Bill of Rights, the Family Congress contends the family unit as "...so basic and fundamental to American law and government that at the drafting of our state and federal constitutions the protection of these invaluable foundations of society was presumed rather than expressly delineated in the law. Advocates of a new moral order seek to obtain legal recognition and tax-supported benefits for various relationships between people of the same and opposite sexes which have been reserved legally and historically in our state and nation for the natural institutions of marriage and parenthood."

The Family Congress is moving in the direction of a statewide initiative as it is unlikely such a measure would pass the state Legislature and governor's office. Authorities contacted by *Frontiers* were unsure as to whether a voter referendum could actually be used to alter the state's constitution, but agreed that a successful effort by the conservatives would likely end up in court.

In addition to passing its Bill of Rights, the Family Congress looks to tighten the initiative process, a change which would make efforts to overturn the law more difficult.

The Family Bill of Rights defines a "family" as a man and woman related by marriage, and/or parents and their children, natural and adopted. It limits marriage to individuals of the opposite sex. In addition, it charges that all laws and principles within the state shall be interpreted and applied in a manner to promote and protect the integrity of the family. The Bill of Rights contains other "family-oriented" provisions which affect educational review, a process strongly advocated by right-wing fundamentalists who disagree with mainstream textbooks and educational curricula.

The Family Congress liberally cites reference to their efforts as a continuance of the work of the nation's founding fathers. "Like the founders of 1776 who pledged their lives, their fortunes, and their sacred honor to the principles laid out in the Declaration of Independence, we, too, appeal to the Supreme Judge of the World, and go forward with a firm reliance on the protection of divine providence."

"Any Californian with an ounce of common sense should oppose this type of initiative–and that's what I expect the voters to do if it appears on the ballot," McBride says. But at the LIFE Lobby–and throughout the state–we're monitoring this very closely. We must always be ready to oppose any attempt to deny our rights as individuals and as families."

*–Bill Geiger*

FRONTIERS March 15, 1991

# CALIFORNIA CITIZEN

April 1991
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Capitol Resource Institute 1211 "H" Street, Ste. A, Sacramento, CA 95814 (916) 444-8445

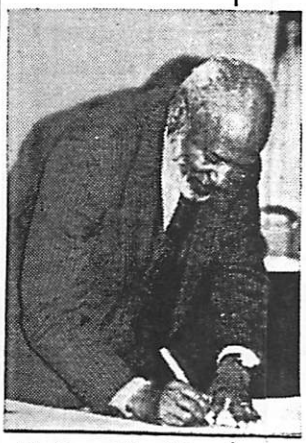



Family Congress

## Uniting of the Pro-Family Movement

By Michael Bowman

On February 21-23, 1991 over 100 organizations representing thousands of Californians assembled for the first Family Congress and after a year of hard work the Congress unanimously adopted the Declaration on the Family. In addition, the Family Congress presented the Family Bill of Rights, a document that will be introduced as a Constitutional amendment to the state legislature. The document establishes a legal definition of what constitutes a family. Both documents enumerate the primary right of parents in raising and educating children while minimizing the "Big Brother bureaucracy" of the state.



*Mr. James Meredith, civil rights leader, signing the Declaration on the Family.*

The Declaration on the Family is the "mission statement" for the Family Congress. It is modelled directly after the Declaration of Independence. It is a document that anchors pro-family forces with concrete philosophical and historical principles. It declares that rights and protections are given to families as self-evident truths derived from a Judeo-Christian worldview.

### Family Bill of Rights

The Family Bill of Rights is designed to place language in the California Constitution that says families should decide what is in their best interest rather than government making personal decisions for its citizens. The amendment will strengthen parental authority in decisions affecting their own family. It will force government agencies to recognize that parents are in charge of their child's education and growth and that government is accountable to parents.

What is so significant about the Family Congress? To understand this, all one needs to do is look at what the opposition to the pro-family movement has been able to accomplish. They have put aside their personal agendas and united their efforts to make incremental political gains. For example, the parental consent bill was opposed in the California Legislature by liberals who were able to unite the California Medical Association, the California Teachers Association, the American Civil Liberties Union, National Organization for Women, the American Pediatrics Association, the California Nurses Association, Planned Parenthood, the Religious Coalition for Abortion Rights, and The Queens Bench (A Lesbian Legal Society). This however is not a one time alliance, these groups have a known working reputation to collaborate and support one another.

The pro-family side has been less successful in constructively facing this opposition in significant ways. The Family Congress has been constructed to unite pro-family groups while fighting head to head with anti-family forces. The Congress intends to demonstrate to the Legislature and media that the family is not a special interest group but the sacred foundation of our society.

*Assemblyman Tim Leslie Chairman of the Family Congress with Jo Ellen Allen of Eagle Forum.*

*(continued on page 4)*

In This Issue



### A HIGHLIGHT OF THE LEGISLATION PROPOSED.

**Education** - Allow state-wide open enrollment in public schools.

**Child Support** - Require non-custodial parents when required to pay child support payments to establish a trust account with the custodial parent in the amount of one year of child support payments. This account could be withdrawn only in the event of a late payment of over 30 days by the custodial parent in the amount of one monthly payment.

**Taxation** - Significantly increase dependent deduction amounts.

**Obscenity** - Mandate that courts use local community standards rather than state-wide standards to define obscenity.

**Child Dependency** - Give parents the right to present evidence at a jury trial in juvenile court before the state can terminate parental custody of the child. The court decision should be based on clear and convincing evidence.

## Uniting of the Pro-Family Movement

*(continued from page 1)*

The Family Congress was able to agree on fundamental principles listed in the Declaration on the Family and on a Constitutional Amendment that would strengthen families. Also adopted were five key pieces of legislation that would endow families with rights, responsibilities and financial security.

Not only did the Conference propose significant legislation it also heard from key leaders in our nation and state on family issues. Speakers included California Attorney General Dan Lungren, Civil Rights Advocate James Meredith , Dr. Bill Allen of the U.S. Commission on Civil Rights, Dr James Dobson by a special pre-recorded address to the Congress, Dr. Charles Heatherly of the Heritage Foundation, Alan Sears of the National Family Legal Foundation, Dr. Larry Arn of the Claremont Institute and David Llewellyn of Western Center for Law and Religious Freedom. A number of state legislators and congressmen also attended.

*Attorney General Dan Lungren.*

*The Conference demonstrated that the California Pro-Family movement is ready to make a serious attempt in protecting and preserving the American family.*

If you are interested in learning more about the Family Congress or would like to receive a copy of the adopted Declaration on the Family, please send a written request to:

Capitol Resource Institute
1211 H Street, Suite A, Sacramento, CA 95814
Attention: Family Congress

## Parents' Education Tool Kit

Every parent or citizen concerned with the educational process should have this kit.
This kit contains:

- *Moral/Civic Education and Teaching about Religion
- *Parents Rights and Responsibilities Handbook
- *Excuse of Pupil from Objectionable Material Forms
- *Facts sheets on:
  - Social Science Curriculum
  - Sex Education/AIDS Curriculum
  - Getting Involved in School Boards
  - Curriculum Committees

**There is a suggested donation of $15 or more for this kit.**

# Baccalaureates are back

David Llewellyn
*Western Center for Law and Religious Freedom*

Baccalaureates are intended to be community events with significant religious content. Although the government cannot endorse religion, the moral values essential to responsible citizenship typically rest on religious foundations in the lives of individuals and communities. Since baccalaureates confer the blessings of community, church, and family on the graduates and their futures, the appropriate activities in baccalaureate celebrations include prayers, sermons, sacred music and religious ceremonies.

Because of their religious nature, however, baccalaureates cannot be officially conducted or sponsored by the public school officials.

The Western Center for Law and Religious Freedom recommends the following procedure for conducting a baccalaureate that avoids constitutional concerns:

1. Form a private committee of local people interested in organizing, financing and conducting the baccalaureate. To preclude misunderstanding, do not use the name of the school in the name of the committee, to avoid appearing to be an official school-sponsored event.

2. Select an appropriate date for the baccalaureate that does not conflict with any school sponsored activities.

3. Apply to the school or school to rent the school auditorium on the date selected for the baccalaureate. In California, school buildings are available for use by the community during nonschool hours under the Civic Center Act. The committee may have to pay a fee to rent the facilities.

4. Invite parents, family, students, teachers, churches and the community to the baccalaureate using mail, radio and other means of communication. Arrange with school officials to distribute invitations to the students and faculty and to post notices of the baccalaureate in the same manner that literature and notices are distributed and displayed for other local activities not sponsored by the school. Make it clear to the school officials that you are requesting only the same kind of communication access to the students that other organizations and enterprises receive.

5. Organize the baccalaureate to be conducted by non-school people. Principals, teachers and school staff may be invited to speak or otherwise participate in the baccalaureate, but the invitation to do so and the introductions and announcements at the baccalaureate should make it clear that they are being asked to speak on the basis of their personal relationship with the students and not in their official capacities. The school officials should not participate in the planning of the program. The program should reflect the interests of the community or the churches and not the school. For example, school awards should not be presented. If recognition of students for their character, achievement, citizenship or religious commitments is desired, information may be gathered from school officials as well as other sources, but the decision determining the young people to receive such recognition and the form of the recognition should be decided by the committee and not by the school.

**Products and services can be ordered by writing Capitol Resource Institute, 1211 "H" St. Ste. A, Sacramento, CA 95814. Conference information can be obtained by calling (916) 444-8445.**

WESTERN CENTER FOR LAW AND RELIGIOUS FREEDOM

WESTERN CENTER FOR LAW AND RELIGIOUS FREEDOM

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GREGORY CASEY
SPECIAL COUNSEL

March 4, 1991

March Fong Eu, Secretary of State
Anthony L. Miller, Chief Deputy
State of California
1230 J Street
Sacramento, California 95814

Re: Request to Terminate Registration of "Family Associations" under California Corporations Code §21300 et seq.

Dear Secretary of State Eu and Mr. Miller:

By a letter dated September 19, 1990, the office of the Secretary of State received a demand from attorney Thomas F. Coleman of the Center for Personal Rights Advocacy accompanied by a 9-page memorandum arguing that the Secretary of State must issue official certificates of registration of unincorporated nonprofit associations to "couples" who seek to register themselves as "family associations."

The Secretary of State has apparently issued certificates of registration to at least two so-called "family associations."

The Western Center for Law and Religious Freedom believes that registration of "family associations" is a misapplication and abuse of the authority of Corporations Code §21300 et seq., and the purpose of this letter is to request that the Secretary of State's office terminate this practice forthwith and rescind any existing "family association" registrations.

At the request of Senator Newton R. Russell, we assisted in the preparation of a letter to the office of the Legislative Counsel requesting an opinion on the legal authority for this practice. A copy of the letter of request dated January 17, 1991, is attached hereto.

The Legislative Counsel has issued an opinion letter dated February 19, 1991, concluding also that the use of the registration procedure is unlawful. A copy of the Legislative Counsel opinion letter is attached hereto.

Without repeating the legal concerns which we raised in our earlier correspondence and which are

supported by the opinion of Legislative Counsel, additional considerations reconfirm that this registration procedure should be terminated.

A complete refutation of Mr. Coleman's memorandum is unnecessary, but it should be noted that it begins with three false premises which permeate his analysis and render it pointless.

First, his extensive policy arguments extolling his belief in the laudable results which would follow, in his opinion, from the "creative . . . use" (page 5) of this statute are entirely irrelevant. Clearly the statute was not adopted with this "creative" intention, and the meaning of the statute must be determined by its language and legislative history, not by the manipulative arguments of special interest groups who want to twist it to societal applications outside its original scope.

Second, Mr. Coleman contends that the term "family" can mean virtually any form of relationship, citing as his primary authority dicta in the "settled decision" in Moore Shipbuilding Corporation v. Industrial Accident Commission[1] in which the Court ruled that a 3-year-old dependent unrelated to the deceased was entitled to a death benefit as a member of his "household" as defined by the Workman's Compensation Act.

If anything, Moore Shipbuilding rebuts Mr. Coleman's argument.

(a) The Supreme Court in Moore Shipbuilding emphasized that its opinion dealt exclusively with the Workman's Compensation Act and that this law was a "'. . . system of rights and liabilities different from those prevailing at common law' . . . which 'undertakes to supersede the common law altogether and to create a different standard of rights and obligations'" (at 196 P. 258, emphasis added). In fact, the Court ruled that but for the Workman's Compensation Act the child's relationship to the deceased would be "outside the pale of legislative recognition" (id.). This case stands for very narrow, expressly authorized, special exception to the law, not, as Mr. Coleman argues, as the prevailing standard for the law in general.[2]

(b) The Court in Moore Shipbuilding ruled that the mother of the child, the woman with whom the deceased had been living as husband and wife without benefit of marriage, was disqualified to be a member of the family or household of the deceased under the law. (Id. at 260.) This unmarried male-female relationship ("palimony," in modern parlance) is precisely one of the kinds of relationships which Mr. Coleman wants to register under Corporations Code §21300 et seq. (See Coleman memorandum at page 1.)

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[1](1921) 185 Cal. 200, 196 P. 257, cited in Coleman at page 2.

[2]Mr. Coleman's expansive reading (page 9, note 33, for example) is entirely unjustified.

(c) There is not a word in Moore Shipbuilding to support the assertion that a self-declared "family" should be treated under the laws of the state of California as an unincorporated nonprofit association and subject to the special laws dealing with unincorporated nonprofit associations.

Third, Mr. Coleman paradoxically asserts that "No benefits are automatically conferred upon a family which registers itself as an association" (at page 8), as if registration were merely a symbolic act and not what it really would be, the declaration that the parties to the registration are now to be governed by the laws of unincorporated nonprofit associations. This is the basis for many of the questions submitted to the Legislative Counsel.

Having denied the actual impact of registration, the application of unincorporated nonprofit association law, Mr. Coleman asserts a broad range of intentions to assert other legal consequences of registration, including granting legal recognition to unmarried couples, same sex couples and "domestic partnerships" (pages 1, 5, 8), permitting foster parents and guardianships to circumvent the parameters of existing law by registering minor children as "family" members (page 7, note 28), and permitting all Californians to bypass the laws of marriage.[3] Moreover, Mr. Coleman's claims are too modest. Not only could "couples" register as "families," mimicking the true families created by the natural and immemorial relationships of marriage and parenthood, any combination of people could register and become a "family," including the "Manson family" and polygamous or polyandrous relationships.

The analysis stated in the Legislative Counsel opinion and the foregoing comments demonstrate that registration of unincorporated nonprofit association "families" is not, as asserted by Mr. Coleman, a ministerial duty of the Secretary of State but rather a misapplication of the law which should be terminated.

We are available to discuss this matter further at your convenience. Please send us notice of the action taken on this request by your office.

Sincerely,

DAVID L. LLEWELLYN, JR.
President and Special Counsel

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[3] Mr. Coleman fails to deal with the fact that these pseudo-families will not be protected by the extensive statutes of California family law on the dissolution of their associations and the inevitable convoluted litigation among them.

Office of the Secretary of State
March Fong Eu

Executive Office
1230 J Street
Sacramento, California 95814

(916) 445-6371

March 11, 1991

Honorable Newton R. Russell
State Capitol
Sacramento, California 95814

Dear Senator Russell:

Thank you for sending me a copy of the Opinion of Legislative Counsel dated February 19, 1991, regarding the registration of the names of unincorporated nonprofit associations.

My legal staff has reviewed the opinion and I am enclosing a copy of their analysis. Please be advised that my office will act in accordance with that analysis.

Sincerely,

March Fong Eu

MARCH FONG EU

Enclosure

State of California

# Memorandum

To : March Fong Eu

Date : March 11, 1991

From : Secretary of State, Office of Chief Counsel Anthony L. Miller

Subject : Legislative Counsel's Opinion
Family Associations-#2151
February 19, 1991

You have requested a review of the above-referenced Opinion of Legislative Counsel which was requested by Senator Newton R. Russell. Most of the issues addressed in that opinion have already been considered by Secretary of State legal staff.

In his opinion, the Legislative Counsel concludes that a group of persons who live together in a relationship in which they share rights and duties similar to those shared by members of a traditional family may form an unincorporated nonprofit association to formalize that relationship. We agree. Legislative Counsel concludes that no formalities are required for the formation of such an unincorporated nonprofit association. We agree. Legislative Counsel appears to conclude that an association described above can assume a name under a style such as "Family of John Doe and Jane Roe". We agree. Although not essential to our analysis of the duties of this office, Legislative Counsel concludes that "family" has many varied meanings and that it may include individuals not related by blood or marriage who are living together in the intimate and mutual interdependence of a single home or household. We agree. Notwithstanding the foregoing, Legislative Counsel concludes that an unincorporated nonprofit association which has assumed a name in the style of "Family of John Doe and Jane Roe" cannot register that name pursuant to Corporations Code section 21301.* We disagree.

Section 21301 provides, in applicable part,

> Any association...may register in the office of the Secretary of State a facsimile or description of its name or insignia.... [emphasis added]

*Subsequent section references are to the Corporations Code unless otherwise noted.

Section 21302 provides:

> An association shall not be permitted to register any name or insignia similar to or so nearly resembling another name or insignia already registered as may be likely to deceive.

Section 21305 provides:

> Upon registration, the Secretary of State shall issue his [sic] certificate setting forth the fact of registration. [emphasis added]

We find this language to be unambiguous. Any association (except for certain specified categories not herein relevant) is entitled, as a matter of right, to register its name with the Secretary of State provided that the name does not conflict with the name or insignia of a previously registered association. Upon registration, the Secretary of State must issue a certificate to that effect, the word "shall" in section 21305 imposing a mandatory duty to do so. (section 15) The Secretary of State, therefore, upon proper application, is under a mandatory, ministerial duty to register the names of associations and issue certificates accordingly notwithstanding the fact that an association name may be under a style such as "Family of John Doe and Jane Roe."

The Legislative Counsel, in reaching his conclusion that an association with a name under the style of "Family of John Doe and Jane Roe" cannot register its name pursuant to section 21301, does not address the unequivocal language ("Any association...may register...."/"...the Secretary of State shall issue....)[emphasis added] of that section and of section 21305. Instead, Legislative Counsel relies upon section 21307 which provides:

> Any person who willfully wears, exhibits, or uses for any purpose a name or insignia registered under this chapter, unless he is entitled to use, wear, or exhibit the name of insignia under the constitution, bylaws, or rules of the association which registered it, is guilty of a misdemeanor punishable by fine of not to exceed two hundred dollars ($200) or by imprisonment in the county jail for a period not to exceed 60 days.

Legislative Counsel argues that this penal section creates an exclusive right to the use of a registered name or insignia under section 21301; that case law does not permit "exclusive rights" to be attached to "words in common use" such as the word "family" or to a family name; that, therefore, an association which includes as part of its name the word "family" or a "family name" cannot be registered. We disagree.

Legislative Counsel assumes, without analysis, that section 21307 vests in an association the exclusive right, without exception, to use the words which comprise its name once the name is registered pursuant to section 21301. Thus, if a hypothetical unincorporated association with the name "Friends of the Homeless" registered its name pursuant to section 21301, it would, according to Legislative Counsel's line of reasoning, prevent anyone else, at the risk of criminal prosecution, from ever uttering, writing, or in any way using those words even, presumably, in the course of casual speech or other discourse. A speaker at a rally for the homeless who described the gathering as "friends of the homeless" would risk arrest. That is absurd. It is axiomatic that the courts will avoid interpreting statutes so as to lead to absurd results and a court would have no problem avoiding such a result in interpreting section 21307.

Section 21307, stripped to its essence, says: "Any person who willfully...uses for any purpose a name...registered under this chapter [unless authorized by the association] ...is guilty of a misdemeanor...." The prohibition here does not involve the coincidental use of words which the user is otherwise entitled to use, such as a person's own name. The prohibition, instead, relates to the willful unauthorized appropriation or infringement of an association's registered name. An association name, once registered, is protected from unauthorized appropriation or infringement by others but section 21307 does not prevent the benign use of the words which comprise the association name by others who are independently vested with the right to use them.

This point was made by the court in Cebu Association of California, Inc. v. Santo Nino de Cebu USA Inc. (1979) 95 Cal.App.3d 129, 157 Cal.Rptr. 102. In that case a trial court had issued an injunction restraining appellants from using the word "Cebu" as part of the name, title, or designation of appellant's organization or in connection with the solicitation or promotional purposes. ("Cebu" is the name of a major island in the Philippines.) The appellate court reversed, holding that a court may properly enjoin the use of composite marks such as "Cebu Association of California" but not the single word "Cebu" from use by another organization. 95 Cal.App.3d at 135. The court distinguished between the protections extended to a name versus the words which may comprise all or part of the name.

Just as the court in Cebu refused to enjoin the use of words which appellants were otherwise entitled to use as a matter of right (in that case, a geographic name), so must section 21307 be read so as to bar nothing more than the unauthorized appropriation or infringement of an association's registered name. Thus, it would not, as Legislative Counsel suggests, make criminal the "Doe family's" mere use of their surname on greetings cards even if an association by the name of "Family of Doe" had registered its name pursuant to section 21301. Section 21307 would come into play only if the "Doe family" or other individuals willfully attempted to appropriate or in some way infringe upon the association's name. (It should be noted that, in reality, a prosecution under section 21307 would be extraordinarily rare regardless of how this section is construed given the uniqueness of association names in the style of "Family of James Doe and Jane Roe.)

We believe that Legislative Counsel has read more into section 23107 than the Legislature provided and than a court would find. Thus, we do not believe that section 21307 can be the basis of preventing associations from registering their names which are otherwise entitled to be registered pursuant to section 21301. However, our analysis does not stop here because we believe that the Legislative Counsel has erred in reaching his conclusion even if his expansive reading of section 21307 is correct.

Assuming, arguendo, that section 21307 does purport to create an exclusive right in an association to use the words of its registered name, it does not follow that any common law prohibition regarding exclusive rights to use the word "family," or the right to use one's own name, can be read into section 21301 as limitations on the right to register an association name. If "exclusivity" is the problem, as Legislative Counsel argues, then the defect is with section 21307 which purports (according to Legislative Counsel) to create exclusive rights to the words of a registered association name rather than with section 21301 which creates a right to register an association name.

To the extent that section 21307 may overreach common law rights to use words or names, it is either unenforceable and must be construed narrowly as is previously argued to avoid the defect or must be declared to be invalid. In any case, should section 21307 be determined to be defective, it is specifically made severable from section 21301 pursuant to section 19 and any sins in section 21307 cannot be visited on section 21301.

Even if conceivable defects with section 21307 can be imputed to section 21301, Legislative Counsel's application of trademark law to the registration of association names pursuant to section 21301 does not lead to the conclusions he suggests. Legislative Counsel

argues that an exclusive right to use a name cannot be granted to words in common usage. That is, of course, a well-established principle of trademark law as is set forth in American Automobile Association v. American Automobile Owners Association (1932) 216 Cal. 125, 131 which is cited by Legislative Counsel. However, that case goes on to hold that words in common use "...may be used by others in combination with such other descriptive words, provided they are not used in combination with such other words or symbols or designs as to render it probable that they would mislead persons possessing ordinary powers of perception." Ibid.

This latter situation is, of course, precisely what is at issue here. The word "family" is used in conjunction with other words which, when combined, comprise the name of the association. Thus, this office has never refused to register the name of an unincorporated nonprofit association because it contained words of "common usage". Were we to do so, very few, if any, names would ever be registered since most association names do include one or more words in common usage. Thus, we see no bar to registering association names which may include words of common usage, even "family". The Secretary of State's office has, for example, registered "Church of the Family of Jesus Christ" (1980), "Family Setzekorn Association" (1979), "The Schramm Family Society" (1978), "Tai Land Lim's Family Association" (1978), among others.

Legislature Counsel argues that a family name cannot be made the subject of an exclusive right so as to prohibit another from using his or her own name. We agree except in cases where some fraudulent intent is involved. But the instant issue does not involve the isolated use of a person's name. The issue is the right to register an association name that includes, as a portion thereof, a person's name. That requires a different approach than the blind application of the principle prohibiting an exclusive right to use the name of an individual.

The court's reasoning in Cebu is, again, instructive. In that case, the court held that, because the word "Cebu" was the name of an island in the Philippines, a company could not obtain an exclusive right to use the word. However, the court held that courts could, nevertheless, properly enjoin the use of the composite marks "Cebu Association of California" and "Cebu Association" from use by another organization. Ibid at 135. The court reasoned that a mark composed of more than one word, "must be considered in its totality. It is improper to dissect and analyze component words or phrases." Ibid at 134, citing Beckwith v. Comm. of Patents (1920) 252 U.S. 538, 545-546. We believe that a court would apply a similar analysis in the instant case were it compelled to reach the issue at all.

To summarize, the registration of an association name pursuant to section 21301 under a style such as "Family of John Doe and Jane Roe" [emphasis added] does not prohibit anybody by the name of John Doe or Jane Roe from using his or her own name, singularly or collectively. To the extent section 21307 is construed so as to prohibit one from using his or her name, it is unenforceable. But that does not mean that an association cannot register a name which includes a surname under section 21301 which, by its terms, provides for the registration of any association name (except as otherwise specified in that section and section 21302). Had the Legislature intended to provide for such a limitation, it could have certainly provided for such as it did in section 21301 itself with respect to "subversive" organizations. Whether it could do so constitutionally, is, of course, another question.

We need not address various constitutional issues which Legislative Counsel's conclusion, if correct, would raise. These issues would include, but probably not be limited to, the rights of association, free speech, privacy, due process and equal protection which are provided for in varying degrees by the Constitutions of the United States and of California. These significant issues would have to be engaged only if the statutes were to be read to preclude the registration of the names of only one category of association, i.e., an association with a name that included the word "family" and a surname. We believe the contrary to be true.

This office always gives considerable weight to the Opinions of Legislative Counsel. In the instant case, we agree with most of his conclusions. However, the Secretary of State is, ultimately, responsible for the implementation of the laws that are within the jurisdiction of her office and she must independently determine what those laws require her to do. We construe section 21301 to provide for the ministerial registration of the names of unincorporated nonprofit associations upon proper application and the issuance of certificates accordingly even if the names include the word "family" or one or more "surnames".

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# California State Senate

NEWTON R. RUSSELL
SENATOR, TWENTY-FIRST DISTRICT

MINORITY WHIP

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VICE CHAIRMAN
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LEGISLATIVE RETIREMENT
MENTAL HEALTH RESEARCH
RULES
STATE'S ECONOMY
SELECT COMMITTEES:
CALIFORNIA'S WINE INDUSTRY
CHILDREN AND YOUTH
PACIFIC RIM

March 18, 1991

Attorney General Daniel Lungren
Department of Justice
1515 K Street
Sacramento, CA 95814

Dear Attorney General Lungren:

I am writing to request an opinion from the office of the Attorney General on the legality of the practice of the Secretary of State issuing unincorporated nonprofit association registration certificates to individuals who register themselves as "families" and then use the registration as official evidence of their "family" status.

Enclosed is a series of correspondence on these issues that will clarify the question, including:

(1) Correspondence from Senator Russell to Secretary of State date February 20,1991,
(2) Legislative Counsel's opinion #2151 dated February 19, 1991,
(3) Correspondence from the Western Center for Law and Religious Freedom to Secretary of State dated March 4, 1991,
(4) Secretary of State's Chief Counsel's reply to Legislative Counsel's opinion #2151 dated March 11, 1991 and
(5) Attorney Thomas Coleman memo to Mr. Anthony L. Miller, Chief Deputy Secretary of State dated September 19, 1990.

The questions about the appropriateness of the registration may be summarized as follows:

(1) Whether the rights to exclusive use of a registered name of an unincorporated nonprofit association precludes the registration of a family name (such as the Jones Family)?

(2) Whether the absence of any indicia of intention to operate under or to be bound legally by the law of unincorporated nonprofit associations precludes the registration of individuals as "families"?

(3) Whether the meaning of "association" reasonably includes individuals desiring to declare themselves as "families"?

(4) Whether the admittedly "creative...use" of the registration statute to register "families" falls outside of the intended scope of the law?

(5) Whether registration of individuals as a "family" under the law permits such unincorporated nonprofit associations to obtain any rights or privileges accorded to "families" under California law?

I would appreciate your opinion to the above question as-soon-as possible. If I can be of further assistance in clarifying any of the above please do not hesitate to contact me or my assistant Mr. Zamorano.

Sincerely,

Senator Newton Russell
21st Senate District

Office of the Secretary of State
March Fong Eu

Executive Office
1230 J Street
Sacramento, California 95814

(916) 445-6371

April 24, 1991

Nelson P. Kempsky, Esquire
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, California 95814

Dear Mr. Kempsky:

It has come to my attention that Senator Newton Russell has requested an opinion of the Attorney General regarding the legal interpretation and implementation of the provisions of Corporations Code section 21301 et seq. as they relate to the registration of the names of unincorporated nonprofit associations by the Secretary of State. The request is apparently designed to help resolve inconsistent legal opinions issued by this office and the Legislative Counsel.

We have been advised previously that the matter is expected to result in litigation to be initiated by persons who disagree with the opinion of this office. We have just been advised by letter, however, that the ACLU Foundation of Southern California is also contemplating the initiation of legal action in this regard in an effort to judicially sustain the approach being taken by this office. (See enclosed letter.) This has prompted our own consideration of whether an action for declaratory relief might be appropriately brought by this office to clarify the matter. Should we decide that the filing of an action by this office is appropriate, or should we be the subject of litigation brought by others, we would, of course, confer with your office about the Attorney General providing legal representation.

In the meantime, if we can provide any information regarding our legal interpretation of these provisions, please do not hesitate to let me know.

Sincerely,

ANTHONY L. MILLER
Chief Deputy

Enclosure

# ACLU FOUNDATION
OF SOUTHERN CALIFORNIA

633 South Shatto Place
Los Angeles, California 90005
(213) 487-1720
FAX (213) 480-3221

April 17, 1991

Anthony L. Miller
Chief Deputy
Office of the Secretary of State, March Fong Eu
Executive Office
1230 J Street
Sacramento, California 95814

Dear Mr. Miller:

Thank you for sending me copies of the index cards with respect to unincorporated nonprofit associations that have registered their names under the style of "Family of ...."

We have reviewed the Secretary of State's opinion in response to the Legislative Counsel's Opinion requested by Senator Newton R. Russell, and we are in agreement with the Secretary of State's conclusions. We are greatly concerned, however, by the cloud that is being placed over the validity of such registrations through the demand letter of the Western Center for Law and Religious Freedom, by the Legislative Counsel's Opinion, and by Senator Russell's attempt to secure a similar Attorney General's opinion on the subject.

We are committed to defending the rights of Californians to register the names of their associations, including family associations, under California Corp. Code § 21301. We are prepared to defend such rights in court, if necessary.

I wanted to let you know that we also are contemplating the possibility of intiating litigation to remove this existing cloud. We are presently researching the feasibilty of maintaining an action for declaratory or other appropriate relief conclusively to establish the authority and duty of the Secretary of State to issue such registrations. I will let you know when we reach a final conclusion in this regard. Until then, I would greatly appreciate it if you would keep us informed of any further communications from the Western Center for Law and Religious Freedom or any other matter which may bear on the continued issuance and validity of registrations of this nature.

ACLU FOUNDATION
OF SOUTHERN CALIFORNIA

Please feel free to call me if you have any questions.

Thank you again for your assistance.

Very truly yours,

Jon W. Davidson

Jon W. Davidson

*DANIEL E. LUNGREN*
*Attorney General*

*State of California*
*DEPARTMENT OF JUSTICE*

1515 K STREET, SUITE 511
P.O. BOX 944255
SACRAMENTO 94244-2550

(916) 324-5166

May 14, 1991

Thomas F. Coleman
Executive Director
Family Diversity Project
P. O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

Opinion No. 91-505

We have received a request from Senator Newton R. Russell for an opinion of the Attorney General on the following question:

May individuals register themselves as a "family" with the Secretary of State under the provisions pertaining to unincorporated nonprofit associations? If so, what rights follow from registration?

It is the policy of our office to solicit the views of all interested parties prior to issuing an opinion. Your comments regarding the questions presented would be appreciated. If possible, a response by June 14, 1991, would be most helpful; materials received after such date will nonetheless be considered. Views submitted will be treated by our office as public records under the Public Records Act. Please address your views to: Deputy Attorney General Ronald Weiskopf, 110 West "A" Street, Suite 700, San Diego, CA 92101; telephone (619) 237-7674.

Sincerely,

DANIEL E. LUNGREN
Attorney General

NELSON KEMPSKY
Chief, Opinion Unit

NK:lac

*DANIEL E. LUNGREN*
*Attorney General*

*State of California*
*DEPARTMENT OF JUSTICE*

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(916) 445-9555

(916) 324-5167

January 16, 1992

Thomas F. Coleman
Center for Personal Rights Advocacy
P. O. Box 65756
Los Angeles, CA 90065

RE: Opinion No. 91-505

Dear Mr. Coleman:

Enclosed is a copy of opinion number 91-505, dated January 16, 1992.

Thank you for your views and comments, which were carefully considered and greatly appreciated.

Sincerely,

DANIEL E. LUNGREN
Attorney General

ANTHONY S. DA VIGO
Deputy Attorney General

ASD:em
Enclosure

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

DANIEL E. LUNGREN
Attorney General

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| OPINION | : | |
| | : | No. 91-505 |
| of | : | |
| | : | |
| DANIEL E. LUNGREN<br>Attorney General | : | JANUARY 16, 1992 |
| | : | |
| ANTHONY S. DaVIGO<br>Deputy Attorney General | : | |
| | : | |

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THE HONORABLE NEWTON R. RUSSELL, MEMBER OF THE CALIFORNIA SENATE, has requested an opinion on the following question:

Under the law pertaining to unincorporated nonprofit associations, may the Secretary of State issue a certificate of registration as a "family" to any two or more individuals who share a common residence?

## CONCLUSION

Under the law pertaining to unincorporated nonprofit associations, the Secretary of State may not issue a certificate of registration as a "family" to any two or more individuals who share a common residence.

## ANALYSIS

Corporations Code section 21301[1] provides:

> "Any association, the principles and activities of which are not repugnant to the Constitution or laws of the United States or of this State, may register in the office of the Secretary of State a facsimile or description of its name or insignia and may by reregistration alter or cancel it."

Section 21301 is part of the statutory scheme regulating unincorporated nonprofit associations. (§§ 21000-21401.) We are asked whether under section 21301, the Secretary of State may grant an application for a certificate of registration to two or more individuals (whether or not related by blood, marriage, or adoption) in the style of and for the purpose of being registered and known as "Family of J. Doe and J. Roe."

The principle issue presented is whether a domestic relationship of two or more persons with a common residence constitutes an "association" of the type or nature which may be registered as a "family." Does such relationship constitute a "family," and if so, does a family constitutes an "association" which may, by definition, be issued a certificate of registration?

The term "family" is in itself broad and inclusive. The term, as defined in Webster's New International Dictionary (3d ed. 1961) at page 821, includes a group of persons in the service of an individual; the retinue or staff of a nobleman or high official; a group of people bound together by philosophical, religious, or other convictions; a body of employees or volunteer workers united in a common enterprise; a group of persons of common ancestry; a group of persons of distinguished lineage; a people regarded as deriving from a common stock; a group of individuals living under one roof; the body of persons who live in one house and under one head including parents, children, servants, and lodgers or boarders; a group of persons sharing a common dwelling and table; the basic biosocial unit in society having as its nucleus two or more parents living together and cooperating in the care and rearing of their own or adopted children. Patently, then, the word "family" has different meanings depending upon the context and circumstances of its use. (*Moore Shipbuilding Corp. v. Industrial Acc. Com.* (1921) 185 Cal. 200, 207; *Estate of Bennett* (1901) 134 Cal. 320, 323.)

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[1]All section references are to the Corporations Code unless otherwise specified.

In the statutory scheme pertaining to unincorporated associations in general (§§ 20000-24007), the term "nonprofit association" is defined in section 21000 as follows:

> "A nonprofit association is an unincorporated association of natural persons for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose not that of pecuniary profit."

As part of this legislation and specifically with respect to nonprofit associations (§§ 21000-21401), the term "association" is defined in subdivision (a) of section 21300 as follows:

> "'Association' includes any lodge, order, beneficial association, fraternal or beneficial society or association, historical, military, or veterans organization, labor union, foundation, or federation, or any other society, organization, or association, or degree, branch, subordinate lodge, or auxiliary thereof."

However, whether one or more definitions of "family" may literally fall within the concept of an "association" is not, in our view, dispositive of the issue presented. Rather, we look to and apply the appropriate rules of statutory construction applicable herein. The "primary aim in construing any law is to determine the legislative intent." (*Committee of Seven Thousand* v. *Superior Court* (1988) 45 Cal.3d 491, 501.) "The meaning of a statute may not be determined from a single word or sentence; the words must be construed in context, and the provisions relating to the same subject matter must be harmonized to the extent possible." (*Lungren* v. *Deukmejian* (1988) 45 Cal.3d 727, 735.) "Statutes are to be given a reasonable and common sense interpretation consistent with the apparent legislative purpose and intent 'and which, when applied, will result in wise policy rather than mischief or absurdity.' [Citation.]" (*Dyna-Med, Inc.* v. *Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391.)

First, it is noted that the definitions of the term "association" in sections 21000 and 21300, while nonexclusive, set forth at length specific examples of associations, organizations, and societies of various types and descriptions. They do not, however, specify a traditional or extended family or purely domestic relationship. This obvious absence of definitional specification is inconsistent with a legislative intent to include within the statutory design a kind or category which would comprise the vast majority of associations.

Second, the concept of "family" in the sense of persons living together in a traditional or other relationship is unlike the kinds of associations which are statutorily specified. As previously noted, section 21000 refers to an "association of natural persons for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose . . . ." In similar vein, section 21300 specifies a "lodge, order, benevolent

association, fraternal or beneficial society or association, historical, military, or veteran's organization, labor union, foundation, federation, or any other . . . association . . . ."

Under the doctrine of *ejusdem generis*, the word "other" may signify a distinction or difference from that already mentioned, yet when it follows an enumeration of particular classes, "other" must be read as "other such like" and includes only others of like kind or character. (*Estate of Stober* (1980) 108 Cal.App.3d 591, 599; 74 Ops.Cal.Atty.Gen. 167, 168 (1991).) Further, had the Legislature intended for the more general terms of sections 21000 and 21300 (e.g., "social," "society") to be used in their unrestricted sense, it would not have mentioned the particular things or classes which thereby would become mere surplusage. (See *Sears Roebuck & Co.* v. *San Diego County Dist. Council of Carpenters* (1979) 25 Cal.3d 317, 331.) As stated in Civil Code section 3534: "Particular expressions qualify those which are general." (See *In re Marquez* (1935) 3 Cal.2d 625, 629; 73 Ops.Cal.Atty.Gen. 156, 160-161 (1990).) It is significant that all of the specified categories in sections 21000 and 21300 are associated by some external, discreet, and special common interest or endeavor not constrained or limited by any preexisting domestic or residential relationship.

Third, if the term "association" were understood in its broadest sense, it would include every conceivable interpersonal relationship, whether or not in common residence. Two or more persons might be associated by various kinds and degrees of mental, emotional, psychological, or physical relationship, or mere friendship. It is unreasonable to ascribe to the Legislature an intent to authorize, and to require upon appropriate application, the registration by the Secretary of State of all such associations.

Moreover, as noted at the outset, section 21301 permits any association to register in the office of the Secretary of State a facsimile or description of its name or insignia. Section 21302 prohibits an association from registering any name or insignia similar to or so nearly resembling another name or insignia already registered as may be likely to deceive. The legislative scheme provides for an index of registrations (§ 21306), criminal penalties for the unauthorized use of a registered name or insignia (§ 21307), injunctive relief (§ 21308), and civil damages (§ 21309). It is clear from the context of the statutory scheme as a whole that section 21301 providing for the registration of association names and insignia was intended to preclude unfair and deceptive practices by preserving the name, goodwill, and reputation of an association against misappropriation and unfair competition. We are unaware of any social or public policy of this state to preserve or protect a family name for the exclusive use of a particular family. Had the Legislature intended to accomplish the latter result, in our view it would have done so after careful deliberation and in unequivocal terms. We believe that the Legislature simply did not intend to authorize the registration of family names for the sole purpose of providing public recognition of a "family" association.

Finally, if the word "association" includes any two or more persons who live together, then it certainly includes the "traditional" family, consisting of husband, wife, and children. The Legislature has enacted a comprehensive statutory scheme regulating domestic relations, known as The Family Law Act. (Civ. Code, § 4000 et seq.) The mere existence of such an integral, comprehensive, and specific system of laws regulating domestic relations is an indication that the provisions of another general statutory scheme were not intended to apply. (Cf. *O'Sullivan v. City and County of San Francisco* (1956) 145 Cal.App.2d 415, 418; 63 Ops.Cal.Atty.Gen. 24, 28 (1980.) It is reasonable to infer that the Legislature did not intend to superimpose separate provisions upon the same subject matter. (*American Friends Service Committee v. Procunier* (1973) 33 Cal.App.3d 252, 262-263; cf. *Alta Bates Hospital v. Lackner* (1981) 118 Cal.App.3d 622.)

The actual conflicts which would arise by the imposition of both statutory schemes suggest that the Legislature did not contemplate the application of both. In the case of a husband and wife, the law of domestic relations and the law pertaining to associations would operate differently and inconsistently. With respect to the internal relationship of the individuals, for example, a member of an association would have no interest in the earnings of the other, whereas such earnings under the law pertaining to families would constitute the property of the community. (Civ. Code, § 4800.) Further, an association may be dissolved at will or by the terms of its formational agreement, such as the articles of association or by-laws, while the law governing marital dissolution requires proof of irreconcilable differences. (Civ. Code, § 4506.) With respect to external relationships, a member of an association is generally not liable for the association's debts (see §§ 21100-21102, 24002; cf. *Jardine v. Superior Court* (1931) 213 Cal. 301; *Security First National Bank v. Cooper* (1944) 62 Cal.App.2d 653, 667; *Leake v. City of Venice* (1920) 50 Cal.App. 462; 59 Ops.Cal.Atty.Gen. 162, 165 (1976)), while spouses are liable for debts incurred by either spouse during the marriage. (Civ. Code, § 5116.). We see no basis for concluding that a husband and wife who share a common residence were intended to be covered by the term "association" for purposes of sections 20000-24007.

It is, of course, axiomatic that a public officer has only such powers as have been conferred by law. (See 72 Ops.Cal.Atty.Gen. 51, 52 (1989) [county auditor]; 68 Ops.Cal.Atty.Gen. 223, 224 (1985) [county tax collector]; and 62 Ops.Cal.Atty.Gen. 504, 508 (1979) [county tax collector]; 67 Ops.Cal.Atty.Gen. 325, 330 (1984) [Department of Industrial Relations Director]; 65 Ops.Cal.Atty.Gen. 321, 325 (1982) [county recorder]; 65 Ops.Cal.Atty.Gen. 467, 468 (1982) [Governor]; 63 Ops.Cal.Atty.Gen. 840, 841 (1980) [State Treasurer].) Here, Section 21301 does not confer upon the Secretary of State the authority to register the "family" names in question.

Accordingly, in answer to the question presented, we conclude that under the law pertaining to unincorporated nonprofit associations, the Secretary of State may not issue a certificate of registration as a "family" to any two or more individuals who share a common residence.

* * * * *

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# California State Senate

COMMITTEES:
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PACIFIC RIM

NEWTON R. RUSSELL
SENATOR, TWENTY-FIRST DISTRICT
MINORITY WHIP

January 27, 1992

Honorable March Fong Eu
Secretary of State
Executive Office
1230 J Street
Sacramento, CA 95814

Dear March:

Re: Certificates of Registration/Individuals

Last year, you sent me a letter dated March 11, 1991 stating that on advice by your legal staff, you felt it was legal under current law for a group of persons living together in a relationship in which they share rights and duties similar to those shared by members of a traditional family to form an unincorporated nonprofit association to formalize that relationship.

You also included a copy of your legal staff's analysis regarding this issue for my review, and you stated that your office would act in accordance with that analysis.

Please be advised that on March 18, 1991 I contacted the State Attorney General about this subject as well, and I have just received an opinion (please see enclosed) from him concluding that:

> **Under the law pertaining to unincorporated nonprofit associations, the Secretary of State may not issue a certificate of registration as a "family" to any two or more individuals who share a common residence.**

Subsequently, the conclusion from the Attorney General and from Legislative Counsel is that the issuance of "Certificates of Registration of Unincorporated Nonprofit Associations" to individuals registered as "FAMILY OF JOHN DOE AND JANE ROE" is in violation of existing state law. Therefore, further issuance of these types of certificates in this manner should be terminated and those that were issued should be immediately revoked.

Please let me know what action you intend to take based upon this additional information.

Sincerely,

Newton R. Russell
Senator, 21st District

NRR:wcm
enclosures

Office of the Secretary of State
March Fong Eu

Executive Office
1230 J Street
Sacramento, California 95814

(916) 445-6371

January 31, 1992

Honorable Newton R. Russell
State Capitol
Sacramento, California 95814

Dear Senator Russell:

Thank you for sending me a copy of the Opinion of the Attorney General dated January 16, 1992, relating to the registration of "families".

My legal staff has reviewed the opinion and I am enclosing a copy of their analysis. Please be advised that my office will act in accordance with that analysis.

Sincerely,

March Fong Eu

MARCH FONG EU

Enclosure

# Memorandum

To : MARCH FONG EU

Date: January 31, 1992

From : **Secretary of State** Office of Chief Counsel Anthony L. Mil[illegible]

Subject: Attorney General's Opinion
Opinion No. 91-505, January 16, 1992
Unincorporated Nonprofit Associations

You have requested a review of the above-referenced Opinion of the Attorney General that was requested by Senator Newton R. Russell.

In his opinion, the Attorney General concludes that under the law pertaining to unincorporated nonprofit associations, the Secretary of State may not issue a certificate of registration as a "family" to any two or more individuals who share a common residence. We agree. We are unaware of any provision of law which would permit the registration of "families" with this office regardless of whether or not family members share a common residence. We have never suggested that "families" could be registered with this office. (We would, first of all, have a very difficult time defining just what a "family" is.) We have, in fact, expressly indicated that families, as such, can not be registered here. The opinion of the Attorney General, therefore, may be interesting from an academic point of view but it is entirely irrelevant to the activities of this office.

It should be noted, however, that the Secretary of State, upon proper application, is under a mandatory, ministerial duty to register the names of associations and issue certificates accordingly notwithstanding the fact that an association name may include the word "family" and one or more surnames. Corporations Code sections 21301, 21305. We have done so as the law requires.

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