

ASSEMBLY BILL NO. 406—ASSEMBLYMEN KOIVISTO, PARKS,
CONKLIN, GERHARDT, KIHUEN, KIRKPATRICK, MANENDO,
MCCLAIN, OHRENSCHALL, PIERCE, SEGERBLOM, SMITH,
STEWART AND WOMACK

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to marriage
licenses. (BDR 11-523)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to marriage; requiring the board of county
commissioners of certain counties to designate a branch
office of the county clerk at which marriage licenses may
be issued and to establish and maintain that branch office
in certain incorporated cities; revising the requirements to
obtain a marriage license; revising provisions governing
the content of marriage licenses and marriage certificates;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires persons who wish to marry to obtain a license from the
2 county clerk of any county in the State. This license must be issued at the seat of
3 the county, unless the board of county commissioners, at the request of the county
4 clerk, has designated a branch office of the county clerk at which marriage licenses
5 may be issued. (NRS 122.040) **Section 2** of this bill requires the board of county
6 commissioners of a county whose population is 400,000 or more (currently Clark
7 County) to designate one branch office of the county clerk at which marriage
8 licenses may be issued and to establish and maintain that branch office in an
9 incorporated city whose population is 150,000 or more and less than 400,000
10 (currently Henderson).

11 Existing law provides that, before issuing a marriage license, the county clerk
12 may require the applicant to produce evidence that the applicant is of age. (NRS
13 122.040) **Section 2** of this bill requires each applicant for a marriage license to



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provide proof of the applicant's full legal name and age by presenting certain documents to the county clerk.

Existing law requires an applicant for a marriage license to answer under oath each question contained in the form of license and to include his social security number on the affidavit of application for the marriage license. (NRS 122.040) **Section 2** of this bill requires both applicants for a marriage license to satisfy these requirements, unless a district court finds that extraordinary circumstances prevent one applicant from appearing before the county clerk and authorizes the county clerk to issue the license if one applicant satisfies these requirements.

Existing law provides for the content of marriage licenses and marriage certificates. (NRS 122.050, 122.120) **Section 3** of this bill requires a marriage license to include the full legal name of each applicant. **Section 4** of this bill requires a marriage certificate to include the full legal name and date of birth of each applicant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter "full legal name" means the first name, middle names or family names and last name of a natural person, without the use of nicknames.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more ~~may~~:

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more and less than 400,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate two branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk ~~may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and~~



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1 ~~the applicant's parent, if available, that the applicant is of age.] shall~~
2 *require each applicant to provide proof of the applicant's full legal*
3 *name and age by displaying an original or certified copy of at least*
4 *one of the following:*

5 (a) *A valid driver's license, instruction permit or identification*
6 *card issued by this State or another state, the District of Columbia*
7 *or any territory of the United States.*

8 (b) *A valid passport.*

9 (c) *A birth certificate and a valid form of identification that*
10 *contains a photograph of the applicant. If the birth certificate is*
11 *written in a language other than English, the applicant must*
12 *provide a copy of the birth certificate which is translated into*
13 *English and notarized.*

14 (d) *A valid military identification card or military dependent*
15 *identification card issued by any branch of the Armed Forces of*
16 *the United States.*

17 (e) *A Certificate of Citizenship, Certificate of Naturalization,*
18 *Permanent Resident Card or Temporary Resident Card issued by*
19 *the Bureau of Citizenship and Immigration Services.*

20 3. ~~{The}~~ *Except as otherwise provided by subsection 4, the*
21 *county clerk issuing the license shall require {the} each applicant to*
22 *answer under oath each of the questions contained in the form of*
23 *license . [, and, if the applicant cannot answer positively any*
24 *questions with reference to the other person named in the license,*
25 *the clerk shall require both persons named in the license to appear*
26 *before him and to answer, under oath, the questions contained in the*
27 *form of license.] The county clerk shall require {the} each applicant*
28 *to include {his} the applicant's social security number {and the*
29 *social security number of the other person named in the license} on*
30 *the affidavit of application for the marriage license. If {either} a*
31 *person does not have a social security number, the person*
32 *{responding to the question} must state that fact. The county clerk*
33 *shall not require any evidence to verify a social security number. If*
34 *any of the information required is unknown to the person ,*
35 *{responding to the question, he} the person must state that the*
36 *answer is unknown.*

37 4. *Upon finding that extraordinary circumstances exist which*
38 *result in only one applicant being able to appear before the county*
39 *clerk, the district court may waive the requirements of subsection*
40 *3 with respect to the person who is unable to appear before the*
41 *county clerk. If the district court waives the requirements of*
42 *subsection 3, the district court shall notify the county clerk in*
43 *writing and the county clerk shall require the applicant who is*
44 *able to appear before the county clerk to do the following:*



These presents are to authorize any minister who has obtained a certificate of permission, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Wife deceased Divorced Annulled When Where And of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Husband deceased Divorced Annulled When Where; and to certify the marriage according to law.

Witness my hand and the seal of the county, this day of the month of of the year

(Seal)

.....
Clerk
.....
Deputy clerk

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage *must contain the full legal name of each applicant and the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. The certificate of marriage* must be in substantially the following form:



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- 1 **Sec. 5.** The provisions of NRS 354.599 do not apply to any
- 2 additional expenses of a local government that are related to the
- 3 provisions of section 2 of this act.
- 4 **Sec. 6.** This act becomes effective on January 1, 2008.

