

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 provisions
governing the content of marriage certificates; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Existing law provides for the content of marriage certificates. (NRS 122.120)
Section 4 of this bill requires a marriage certificate to include the date of birth of
each applicant.



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

Section 1. (Deleted by amendment.)

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 the applicant's parent, if available, that the applicant is of age.

3. The county clerk issuing the license shall require the applicant to answer under oath each of the questions contained in the form of license ~~H~~ and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. The county clerk shall require the applicant to include his social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person responding to the question, he must state that the answer is unknown.



1(city), State of , *Date of birth*, with their
2 mutual consent, in the presence of and
3 (witnesses).

4
5
6 Signature of person performing
7 (Seal of County Clerk) the marriage

8
9
10 Name under signature typewritten
11 or printed in black ink

12
13
14 County Clerk

15
16
17 Official title of person performing
18 the marriage

19
20

21
22
23 Couple's mailing address

24
25 3. All information contained in the certificate of marriage must
26 be typewritten or legibly printed in black ink, except the signatures.
27 The signature of the person performing the marriage must be an
28 original signature.

29 **Sec. 5.** The provisions of NRS 354.599 do not apply to any
30 additional expenses of a local government that are related to the
31 provisions of section 2 of this act.

32 **Sec. 6.** This act becomes effective on January 1, 2008.

