

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

MARCH 19, 2007

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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 UNFUNDDED 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.

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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:**

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



\* A B 4 0 6 R 1 \*

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

1      **Section 1.** (Deleted by amendment.)

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

3      122.040 1. Before persons may be joined in marriage, a  
4      license must be obtained for that purpose from the county clerk of  
5      any county in the State. Except as otherwise provided in this  
6      subsection, the license must be issued at the county seat of that  
7      county. The board of county commissioners:

8      (a) In a county whose population is 400,000 or more [may,] :

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

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

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

23      2. Before issuing a marriage license, the county clerk may  
24      require evidence that the applicant for the license is of age. The  
25      county clerk shall accept a statement under oath by the applicant and  
26      the applicant's parent, if available, that the applicant is of age.

27      3. The county clerk issuing the license shall require the  
28      applicant to answer under oath each of the questions contained in  
29      the form of license [.] and, if the applicant cannot answer positively  
30      any questions with reference to the other person named in the  
31      license, the clerk shall require both persons named in the license to  
32      appear before him and to answer, under oath, the questions  
33      contained in the form of license. The county clerk shall require the  
34      applicant to include his social security number and the social  
35      security number of the other person named in the license on the  
36      affidavit of application for the marriage license. If either person  
37      does not have a social security number, the person responding to the  
38      question must state that fact. The county clerk shall not require any  
39      evidence to verify a social security number. If any of the  
40      information required is unknown to the person responding to the  
41      question, he must state that the answer is unknown.



\* A B 4 0 6 R 1 \*

4. If any of the persons intending to marry are under age and  
have not been previously married, and if the authorization of a  
district court is not required, the clerk shall issue the license if the  
consent of the parent or guardian is:

5 (a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

10 (c) In writing, subscribed to and acknowledged before a person  
11 authorized by law to administer oaths. A facsimile of the  
12 acknowledged writing must be accepted if the original is not  
13 available.

14       5. If the authorization of a district court is required, the county  
15 clerk shall issue the license if that authorization is given to him in  
16 writing.

17       6. All records pertaining to marriage licenses are public records  
18 and open to inspection pursuant to the provisions of NRS 239.010.

19       7. A marriage license issued on or after July 1, 1987, expires 1  
20 year after its date of issuance.

21      **Sec. 3.** (Deleted by amendment.)

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

23       122.120 1. After a marriage is solemnized, the person  
24 solemnizing the marriage shall give to each couple being married a  
25 certificate of marriage.

26       2. The certificate of marriage ***must contain the date of birth of***  
27 ***each applicant as contained in the form of marriage license***  
28 ***pursuant to NRS 122.050. The certificate of marriage*** must be in  
29 substantially the following form:

**STATE OF NEVADA**  
**MARRIAGE CERTIFICATE**

34 State of Nevada }  
35 }ss.  
36 County of ..... }

This is to certify that the undersigned, ..... (a minister of the gospel, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ..... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ..... , **Date of birth** ....., and ..... (name), of .....



\* A B 4 0 6 B 1 \*

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

.....  
Signature of person performing  
the marriage

(Seal of County Clerk)

Name under signature typewritten  
or printed in black ink

.....

### County Clerk

.....  
Official title of person performing  
the marriage

Geek's Guide to the Galaxy

### Couple's mailing address

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.

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

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

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\* A B 4 0 6 R 1 \*