

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)
(REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to marriage; revising the authority of the board of
county commissioners of certain counties to designate a
branch office of the county clerk at which marriage
licenses may be issued; revising the requirements to
obtain a marriage license; revising provisions governing
the content of marriage licenses and 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, which must be established and maintained in an
9 incorporated city whose population is 150,000 or more but less than 300,000
10 (currently Henderson). In addition, **section 2** increases from two to not more than
11 four the number of such branch offices that the board of county commissioners in a
12 county whose population is 400,000 or more is authorized to designate.

13 Existing law provides that, before issuing a marriage license, the county clerk
14 may require the applicant to produce evidence that the applicant is of age. (NRS
15 122.040) **Section 2** of this bill requires each applicant for a marriage license to



provide proof of the applicant's 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 a marriage license. (NRS 122.040) **Section 2** of this bill requires both applicants for a marriage license to satisfy these requirements, unless the county clerk or 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 prescribes the content of marriage licenses and marriage certificates. (NRS 122.050, 122.120) **Section 3.5** of this bill requires a marriage license to include the name of each applicant as shown on the documents presented to provide proof of the applicant's name and age. **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 but less than 300,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate ~~two~~ not more than four 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.~~ *shall require each applicant to provide proof of the applicant's name*



1 and age. The county clerk may accept as proof of the applicant's
2 name and age an original or certified copy of any of the following:

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

6 (b) A passport.

7 (c) A birth certificate and a secondary form of identification
8 that contains the name of the applicant. If the birth certificate is
9 written in a language other than English, the county clerk may
10 request that the birth certificate be translated into English and
11 notarized.

12 (d) A military identification card or military dependent
13 identification card issued by any branch of the Armed Forces of
14 the United States.

15 (e) A Certificate of Citizenship, Certificate of Naturalization,
16 Permanent Resident Card or Temporary Resident Card issued by
17 the United States Citizenship and Immigration Services of the
18 Department of Homeland Security.

19 (f) Any other document that the county clerk determines
20 provides proof of the applicant's name and age.

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

38 4. Upon finding that extraordinary circumstances exist which
39 result in only one applicant being able to appear before the county
40 clerk, the county clerk may waive the requirements of subsection 3
41 with respect to the person who is unable to appear before the
42 county clerk, or may refer the applicant to the district court. If the
43 applicant is referred to the district court, the district court may
44 waive the requirements of subsection 3 with respect to the person
45 who is unable to appear before the county clerk. If the district



* A B 4 0 6 R 2 *

1 *court waives the requirements of subsection 3, the district court*
2 *shall notify the county clerk in writing. If the county clerk or the*
3 *district court waives the requirements of subsection 3, the county*
4 *clerk shall require the applicant who is able to appear before the*
5 *county clerk to:*

6 (a) *Answer under oath each of the questions contained in the*
7 *form of license. The applicant shall answer any questions with*
8 *reference to the other person named in the license.*

9 (b) *Include the applicant's social security number and the*
10 *social security number of the other person named in the license on*
11 *the affidavit of application for the marriage license. If either*
12 *person does not have a social security number, the person*
13 *responding to the question must state that fact. The county clerk*
14 *shall not require any evidence to verify a social security number.*

15 ➔ *If any of the information required on the application is*
16 *unknown to the person responding to the question, the person*
17 *must state that the answer is unknown.*

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

22 (a) Personally given before the clerk;

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

27 (c) In writing, subscribed to and acknowledged before a person
28 authorized by law to administer oaths. A facsimile of the
29 acknowledged writing must be accepted if the original is not
30 available.

31 ~~§5-1~~ 6. If the authorization of a district court is required, the
32 county clerk shall issue the license if that authorization is given to
33 him in writing.

34 ~~§6-1~~ 7. All records pertaining to marriage licenses are public
35 records and open to inspection pursuant to the provisions of
36 NRS 239.010.

37 ~~§7-1~~ 8. A marriage license issued on or after July 1, 1987,
38 expires 1 year after its date of issuance.

39 Sec. 3. (Deleted by amendment.)

40 Sec. 3.5. NRS 122.050 is hereby amended to read as follows:

41 122.050 The marriage license must *contain the name of each*
42 *applicant as shown in the documents presented pursuant to*
43 *subsection 2 of NRS 122.040 and must* be substantially in the
44 following form:



State of Nevada }
 } ss.
County of }

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 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:





- 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.

