

SENATE BILL NO. 101—SENATOR MANENDO

PREFILED JANUARY 26, 2011

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the issuance of marriage licenses and the solemnization of marriage. (BDR 11-635)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to marriage; revising certain provisions relating to the issuance of marriage licenses and the solemnization of marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, an applicant for a marriage license is authorized to submit
2 as proof of his or her name and age an original or certified copy of a birth
3 certificate, along with either: (1) a secondary document that contains the name and
4 photograph of the applicant; or (2) any document for which identification must be
5 verified as a condition to receipt of the document. (NRS 122.040) **Section 1** of this
6 bill authorizes such an applicant to provide an original or certified copy of a birth
7 certificate, along with any two documents that contain the name and address of the
8 applicant. **Section 1** also specifies that if an applicant presents an original or
9 certified copy of any of the required forms of identification as prescribed by law,
10 the county clerk is required to accept those forms of identification as proof of the
11 applicant's name and age. Additionally, **section 1** authorizes an applicant to have
12 an attendant with him or her at all times while the applicant is in the marriage
13 license bureau.

14 Existing law also provides that a certificate of permission to perform marriages
15 expires when a minister or other person who is authorized to solemnize a marriage,
16 to whom the certificate has been issued, moves from the county in which his or her
17 certificate was issued. (NRS 122.066) **Section 3** of this bill specifies that a
18 certificate of permission remains valid when a minister or other person who is
19 authorized to solemnize a marriage, who is retired and who has been issued the
20 certificate, moves to another county in this State.

21 **Section 2** of this bill requires the county clerk to include only certain
22 information on the back of a certificate of marriage that is not a certified copy, and
23 **section 4** of this bill increases the fee for having a marriage solemnized by the



* S B 1 0 1 *

24 commissioner of civil marriages or his or her deputy commissioner of civil
25 marriages from \$45 to \$70.

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

1 **Section 1.** NRS 122.040 is hereby amended to read as follows:

2 122.040 1. Before persons may be joined in marriage, a
3 license must be obtained for that purpose from the county clerk of
4 any county in the State. Except as otherwise provided in this
5 subsection, the license must be issued at the county seat of that
6 county. The board of county commissioners:

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

8 (1) Shall designate one branch office of the county clerk at
9 which marriage licenses may be issued and shall establish and
10 maintain the designated branch office in an incorporated city whose
11 population is 150,000 or more but less than 300,000; and

12 (2) May, in addition to the branch office described in
13 subparagraph (1), at the request of the county clerk, designate not
14 more than four branch offices of the county clerk at which marriage
15 licenses may be issued, if the designated branch offices are located
16 outside of the county seat.

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

22 2. Except as otherwise provided in this section, before issuing a
23 marriage license, the county clerk shall require each applicant to
24 provide proof of the applicant's name and age. The county clerk
25 ~~may~~ *shall* accept as proof of the applicant's name and age, *and*
26 *shall not deny a marriage license to an applicant for failure to*
27 *provide proof of the applicant's name and age, if the applicant*
28 *provides* an original or certified copy of any of the following:

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

32 (b) A passport.

33 (c) A birth certificate and:

34 (1) Any secondary document that contains the name and a
35 photograph of the applicant; ~~or~~

36 (2) Any document for which identification must be verified
37 as a condition to receipt of the document ~~or~~; *or*

38 (3) *Any two documents that contain the name and address*
39 *of the applicant.*



* S B 1 0 1 *

1 ➡ If the birth certificate is written in a language other than English,
2 the county clerk may request that the birth certificate be translated
3 into English and notarized.

4 (d) A military identification card or military dependent
5 identification card issued by any branch of the Armed Forces of the
6 United States.

7 (e) A Certificate of Citizenship, Certificate of Naturalization,
8 Permanent Resident Card or Temporary Resident Card issued by the
9 United States Citizenship and Immigration Services of the
10 Department of Homeland Security.

11 (f) Any other document that provides the applicant's name and
12 age. If the applicant clearly appears over the age of 25 years, no
13 documentation of proof of age is required.

14 3. Except as otherwise provided in subsection 4, the county
15 clerk issuing the license shall require each applicant to answer under
16 oath each of the questions contained in the form of license. The
17 county clerk shall, except as otherwise provided in this subsection,
18 require each applicant to include the applicant's social security
19 number on the affidavit of application for the marriage license. If a
20 person does not have a social security number, the person must state
21 that fact. The county clerk shall not require any evidence to verify a
22 social security number. If any of the information required is
23 unknown to the person, the person must state that the answer is
24 unknown. The county clerk shall not deny a license to an applicant
25 who states that the applicant does not have a social security number
26 or who states that any requested information concerning the
27 applicant's parents is unknown.

28 4. Upon finding that extraordinary circumstances exist which
29 result in only one applicant being able to appear before the county
30 clerk, the county clerk may waive the requirements of subsection 3
31 with respect to the person who is unable to appear before the county
32 clerk, or may refer the applicant to the district court. If the applicant
33 is referred to the district court, the district court may waive the
34 requirements of subsection 3 with respect to the person who is
35 unable to appear before the county clerk. If the district court waives
36 the requirements of subsection 3, the district court shall notify the
37 county clerk in writing. If the county clerk or the district court
38 waives the requirements of subsection 3, the county clerk shall
39 require the applicant who is able to appear before the county clerk
40 to:

41 (a) Answer under oath each of the questions contained in the
42 form of license. The applicant shall answer any questions with
43 reference to the other person named in the license.

44 (b) Include the applicant's social security number and the social
45 security number of the other person named in the license on the



* S B 1 0 1 *

1 affidavit of application for the marriage license. If either person
2 does not have a social security number, the person responding to the
3 question must state that fact. The county clerk shall not require any
4 evidence to verify a social security number.

5 ➡ If any of the information required on the application is unknown
6 to the person responding to the question, the person must state that
7 the answer is unknown. The county clerk shall not deny a license to
8 an applicant who states that the applicant does not have a social
9 security number or who states that any requested information
10 concerning the parents of either the person who is responding to the
11 question or the person who is unable to appear is unknown.

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

16 (a) Personally given before the clerk;

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

22 (c) In writing, subscribed to and acknowledged before a person
23 authorized by law to administer oaths. A facsimile of the
24 acknowledged writing must be accepted if the original is not
25 available.

26 6. If a parent giving consent to the marriage of a minor
27 pursuant to subsection 5 has a last name different from that of the
28 minor seeking to be married, the county clerk shall accept, as proof
29 that the parent is the legal parent of the minor, a certified copy of the
30 birth certificate of the minor which shows the parent's first and
31 middle name and which matches the first and middle name of the
32 parent on any document listed in subsection 2.

33 7. If the authorization of a district court is required, the county
34 clerk shall issue the license if that authorization is given to the
35 county clerk in writing.

36 8. *An applicant for a marriage license is entitled to have an*
37 *attendant with him or her at all times while the applicant is in the*
38 *marriage license bureau.*

39 9. All records pertaining to marriage licenses are public records
40 and open to inspection pursuant to the provisions of NRS 239.010.

41 ~~9.~~ 10. A marriage license issued on or after July 1, 1987,
42 expires 1 year after its date of issuance.



1 **Sec. 2.** NRS 122.055 is hereby amended to read as follows:

2 122.055 1. The county clerk may place the affidavit of
3 application for a marriage license, the certificate of marriage and the
4 marriage license on a single form.

5 2. The county clerk shall have printed or stamped on the
6 reverse of the form **[instructions]** :

7 **(a) Instructions** for obtaining a certified copy or certified
8 abstract of the certificate of marriage.

9 **(b) Language in black ink and at least 16-point bold type in a**
10 **font that is easy to read and that is in substantially the following**
11 **form:**

12
13 ***This is your certificate. This is not a certified copy. For***
14 ***name changes and other legal matters, you will need to***
15 ***obtain a certified copy.***

16
17 **3. Nothing may be printed, stamped or written on the reverse**
18 **of the form other than the instructions and language described in**
19 **subsection 2 and a time stamp used by the county clerk to signify**
20 **that the form has been filed.**

21 **Sec. 3.** NRS 122.066 is hereby amended to read as follows:

22 122.066 1. The Secretary of State shall establish and
23 maintain a statewide database of ministers or other persons
24 authorized to solemnize a marriage. The database must:

25 (a) Serve as the official list of ministers or other persons
26 authorized to solemnize a marriage approved in this State;

27 (b) Provide for a single method of storing and managing the
28 official list;

29 (c) Be a uniform, centralized and interactive database;

30 (d) Be electronically secure and accessible to each county clerk
31 in this State;

32 (e) Contain the name, mailing address and other pertinent
33 information of each minister or other person authorized to solemnize
34 a marriage as prescribed by the Secretary of State; and

35 (f) Include a unique identifier assigned by the Secretary of State
36 to each minister or other person authorized to solemnize a marriage.

37 2. If the county clerk approves an application for a certificate
38 of permission to perform marriages, the county clerk shall:

39 (a) Enter all information contained in the application into the
40 electronic statewide database of ministers or other persons
41 authorized to solemnize a marriage maintained by the Secretary of
42 State not later than 10 days after the certificate of permission to
43 perform marriages is approved by the county clerk; and



* S B 1 0 1 *

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665.

5. An affidavit of revocation of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall revoke the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. ~~§~~ *Except as otherwise provided in subsection 8, if any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or*



1 move, file an affidavit of revocation of authority to solemnize
2 marriages pursuant to NRS 122.0665. If the minister or other person
3 authorized to solemnize a marriage voluntarily advises the county
4 clerk of the county in which his or her certificate was issued of his
5 or her severance with his or her church or religious organization, or
6 that he or she has moved from the county, the certificate shall expire
7 immediately upon such severance or move without any notification
8 to the county clerk by the church or religious organization.

9 8. *If any minister or other person authorized to solemnize a*
10 *marriage, who is retired and to whom a certificate of permission*
11 *has been issued, moves from the county in which his or her*
12 *certificate was issued to another county in this State, the*
13 *certificate remains valid until such time as the certificate*
14 *otherwise expires or is revoked as prescribed by law. The minister*
15 *or other person authorized to solemnize a marriage must provide*
16 *his or her new address to the county clerk in the county to which*
17 *the minister or other person authorized to solemnize a marriage*
18 *has moved.*

19 9. The Secretary of State may adopt regulations concerning the
20 creation and administration of the statewide database. This section
21 does not prohibit the Secretary of State from making the database
22 publicly accessible for the purpose of viewing ministers or other
23 persons who are authorized to solemnize a marriage in this State.

24 **Sec. 4.** NRS 122.181 is hereby amended to read as follows:

25 122.181 1. The commissioner of civil marriages or his or her
26 deputy commissioner of civil marriages is entitled to receive as his
27 or her fee for solemnizing a marriage ~~[\$45.]~~ \$70. The fee must be
28 deposited in the county general fund.

29 2. The commissioner of civil marriages or his or her deputy
30 commissioner of civil marriages shall also at the time of
31 solemnizing a marriage collect the additional sum of \$5 for the
32 Account for Aid for Victims of Domestic Violence in the State
33 General Fund. The fees collected for this purpose must be paid over
34 to the county treasurer by the county clerk on or before the fifth day
35 of each month for the preceding calendar month, and must be
36 credited to that Account. The county treasurer shall, on or before the
37 15th day of each month, remit those fees deposited by the clerk to
38 the State Controller for credit to that Account.

39 **Sec. 5.** This act becomes effective on July 1, 2011.

