

SENATE BILL NO. 101—SENATOR MANENDO

PREFILED JANUARY 26, 2011

Referred to Committee on Judiciary

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

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

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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; revising certain provisions relating to certificates of marriage and the solemnization of marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the county clerk may place an affidavit of application for a
2 marriage license, a certificate of marriage and a marriage license on a single form,
3 on the reverse of which the county clerk must have printed or stamped instructions
4 for obtaining a certified copy or certified abstract of the certificate of marriage.
5 (NRS 122.055) **Section 2** of this bill requires the county clerk to include on the
6 reverse of such a form: (1) instructions for obtaining a certified copy or certified
7 abstract of the certificate of marriage; (2) certain language explaining that the
8 certificate is not a certified copy and that a certified copy will need to be obtained
9 for certain legal matters; and (3) a time stamp used by the clerk to signify that the
10 form has been filed.

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



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

Section 1. (Deleted by amendment.)

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

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

2. The county clerk shall have printed or stamped on the reverse of the form ~~instructions~~ :

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of



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1 State not later than 10 days after the certificate of permission to
2 perform marriages is approved by the county clerk; and

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

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

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

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

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

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

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

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

41 7. ~~##~~ *Except as otherwise provided in subsection 8, if* any
42 minister or other person authorized to solemnize a marriage to
43 whom a certificate of permission has been issued severs ties with his
44 or her church or religious organization or moves from the county in
45 which his or her certificate was issued, the certificate shall expire



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

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

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

26 Sec. 4. (Deleted by amendment.)

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

