

SENATE BILL NO. 101—SENATOR MANENDO

PREFILED JANUARY 26, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to 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; revising provisions governing deputy commissioners of civil marriages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

Existing law authorizes, under certain circumstances, the commissioner of civil marriages in certain counties to appoint deputy commissioners of civil marriages and provides that deputy commissioners of civil marriages are employees of the county clerk's office. (NRS 122.175) **Section 5** of this bill: (1) removes the prohibition against deputy commissioners of civil marriages solemnizing marriages at any time other than the working hours or shift during which the deputy commissioners of civil marriages are employed; (2) sets forth certain prerequisites



that must be satisfied before a person who will be retained as an independent contractor by the county clerk's office may be appointed as a deputy commissioner of civil marriages; and (3) authorizes the compensation of a deputy commissioner of civil marriages who is retained as an independent contractor by the county clerk's office to be based upon the number or volume of marriages that the deputy commissioner solemnizes.

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

(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



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1 authorized to solemnize a marriage in the statewide database
2 pursuant to subsection 1.

3 7. ~~HH~~ *Except as otherwise provided in subsection 8, if* any
4 minister or other person authorized to solemnize a marriage to
5 whom a certificate of permission has been issued severs ties with his
6 or her church or religious organization or moves from the county in
7 which his or her certificate was issued, the certificate shall expire
8 immediately upon such severance or move, and the church or
9 religious organization shall, within 5 days after the severance or
10 move, file an affidavit of revocation of authority to solemnize
11 marriages pursuant to NRS 122.0665. If the minister or other person
12 authorized to solemnize a marriage voluntarily advises the county
13 clerk of the county in which his or her certificate was issued of his
14 or her severance with his or her church or religious organization, or
15 that he or she has moved from the county, the certificate shall expire
16 immediately upon such severance or move without any notification
17 to the county clerk by the church or religious organization.

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

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

33 **Sec. 4.** (Deleted by amendment.)

34 **Sec. 5.** NRS 122.175 is hereby amended to read as follows:

35 122.175 1. In a county whose population is 400,000 or more,
36 the commissioner of civil marriages may appoint deputy
37 commissioners of civil marriages. Such deputies shall:

38 (a) Solemnize marriages in commissioner townships under the
39 direction of the commissioner; and

40 (b) Perform such other duties as the commissioner may direct.

41 2. In a county whose population is less than 400,000 and in
42 which the board of county commissioners has appointed the county
43 clerk to act as the commissioner of civil marriages, the board may,
44 by ordinance, establish the number of deputy commissioners of civil



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1 marriages which may be appointed by the commissioner of civil
2 marriages to carry out the duties set forth in subsection 1.

3 3. ~~[No deputy commissioner of civil marriages may solemnize~~
4 ~~marriages at any time other than during the working hours or shift~~
5 ~~during which the deputy commissioner is employed.~~

6 —4.] The deputy commissioners of civil marriages *who* are
7 employees of the county clerk's office ~~[and]~~ are entitled to be
8 compensated by a salary and by such other benefits as are available
9 to other county personnel regularly employed in the same county
10 clerk's office. The compensation of any deputy commissioner of
11 civil marriages *who is an employee of the county clerk's office*
12 must not be based in any manner upon the number or volume of
13 marriages that the deputy commissioner may solemnize in the
14 performance of his or her duties.

15 4. *Before the commissioner of civil marriages may appoint a*
16 *person who will be retained as an independent contractor by the*
17 *county clerk's office as a deputy commissioner of civil marriages:*

18 (a) *The person must submit to the commissioner of civil*
19 *marriages for the purposes of a background check:*

20 (1) *The person's name and social security number; and*

21 (2) *Any other information required by the commissioner of*
22 *civil marriages.*

23 (b) *The commissioner of civil marriages:*

24 (1) *May require the district attorney and the sheriff to*
25 *conduct an investigation of the background and present activities*
26 *of the person; and*

27 (2) *Shall satisfy himself or herself that:*

28 (I) *No certificate of permission to perform marriages*
29 *previously issued to the person has been cancelled for a knowing*
30 *violation of the laws of this State or of the United States; and*

31 (II) *The person has not been convicted of a felony,*
32 *released from confinement or completed his or her parole or*
33 *probation, whichever occurs later, within 10 years before the*
34 *date of submission of the information required pursuant to*
35 *paragraph (a).*

36 5. *The compensation of a deputy commissioner of civil*
37 *marriages who is retained as an independent contractor by the*
38 *county clerk's office may be based upon the number or volume of*
39 *marriages that the deputy commissioner solemnizes in the*
40 *performance of his or her duties.*

41 6. In counties in which deputy commissioners of civil
42 marriages are ~~[employed,]~~ *appointed*, no more than two deputy
43 commissioners may be on duty within the courthouse of such a
44 county for the purpose of solemnizing marriages at any one time.



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1 **Sec. 6.** This act becomes effective on July 1, 2011.

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