

Amendment No. 190

Assembly Amendment to Assembly Bill No. 204	(BDR 11-743)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 4/9/2017

A.B. No. 204—Requires marriage licenses and certificates of marriage to include the name to be used by each spouse after the marriage.  
(BDR 11-743)





ASSEMBLY BILL NO. 204—ASSEMBLYMEN TOLLES; BILBRAY-AXELROD, BUSTAMANTE ADAMS, EDWARDS, FRIERSON, JAUREGUI, JOINER, MILLER, MONROE-MORENO, OHRENSCHALL, OSCARSON, PICKARD, SPIEGEL, TITUS, ~~AND~~ WHEELER AND YEAGER

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: SENATORS GANSERT; CANNIZZARO, FORD, HARDY, PARKS AND SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—~~[Requires]~~ Provides that marriage licenses and certificates of marriage ~~to~~ may include the name to be used by each spouse after the marriage. (BDR 11-743)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; ~~[requiring]~~ providing that a marriage license and a certificate of marriage ~~to~~ may include the name to be used by each spouse after the marriage; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prescribes the form of a marriage license and a certificate of marriage. (NRS 122.050, 122.120) This bill ~~[requires]~~ provides that each marriage license and certificate of marriage ~~to~~ may contain the names selected for use by each spouse after the marriage. ~~[Under this bill, a person is not authorized to select a new first name for use after the marriage but is authorized to select a new middle name and new last name.]~~ This bill also sets forth the names that each spouse may select for use after the marriage.

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

**Section 1.** NRS 122.040 is hereby amended to read as follows:  
122.040 1. Except as otherwise provided in NRS 122.0615, 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:

1 (a) In a county whose population is 700,000 or more may, at the request of the  
2 county clerk, designate not more than five branch offices of the county clerk at  
3 which marriage licenses may be issued, if the designated branch offices are located  
4 outside of the county seat.

5 (b) In a county whose population is less than 700,000 may, at the request of the  
6 county clerk, designate one branch office of the county clerk at which marriage  
7 licenses may be issued, if the designated branch office is established in a county  
8 office building which is located outside of the county seat.

9 2. Except as otherwise provided in this section, before issuing a marriage  
10 license, the county clerk shall require each applicant to provide proof of the  
11 applicant's name and age. The county clerk may accept as proof of the applicant's  
12 name and age an original or certified copy of any of the following:

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

15 (b) A passport.

16 (c) A birth certificate and:

17 (1) Any secondary document that contains the name and a photograph of  
18 the applicant; or

19 (2) Any document for which identification must be verified as a condition  
20 to receipt of the document.

21 ➤ If the birth certificate is written in a language other than English, the county  
22 clerk may request that the birth certificate be translated into English and notarized.

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

25 (e) A Certificate of Citizenship, Certificate of Naturalization, Permanent  
26 Resident Card or Temporary Resident Card issued by the United States Citizenship  
27 and Immigration Services of the Department of Homeland Security.

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

31 3. Except as otherwise provided in subsection 4, the county clerk issuing the  
32 license shall require each applicant to answer under oath each of the questions  
33 contained in the form of license. The county clerk shall, except as otherwise  
34 provided in this subsection, require each applicant to include ~~ff~~ the applicant's  
35 social security number on the affidavit of application for the marriage license. ~~ff~~  
36 ~~the applicant's social security number and the full name which the applicant has~~  
37 ~~selected for use after the applicants are joined in marriage. The first name~~  
38 ~~selected for use by an applicant after the applicants are joined in marriage must~~  
39 ~~be the same as the first name indicated on the proof of the applicant's name~~  
40 ~~submitted pursuant to subsection 2.~~ If a person does not have a social security  
41 number, the person must state that fact. The county clerk shall not require any  
42 evidence to verify a social security number. If any of the information required is  
43 unknown to the person, the person must state that the answer is unknown. The  
44 county clerk shall not deny a license to an applicant who states that the applicant  
45 does not have a social security number or who states that any requested information  
46 concerning the applicant's parents is unknown.

47 4. Upon finding that extraordinary circumstances exist which result in only  
48 one applicant being able to appear before the county clerk, the county clerk may  
49 waive the requirements of subsection 3 with respect to the person who is unable to  
50 appear before the county clerk, or may refer the applicant to the district court. If the  
51 applicant is referred to the district court, the district court may waive the  
52 requirements of subsection 3 with respect to the person who is unable to appear  
53 before the county clerk. If the district court waives the requirements of subsection

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

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

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

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

5. 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:

(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 the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

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

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

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

8. At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.  
(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

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

~~9.10.~~ 10. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and the name, if any, selected by each applicant for use after the applicants are joined in marriage. The marriage license must be substantially in the following form:

MARRIAGE LICENSE  
 (EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }  
 } ss.  
 County of ..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage or notary public who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace 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 or her 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. After ..... (name) and ..... (name) are joined in marriage, ..... wishes to use the name ..... (New name) and ..... wishes to use the name ..... (New name) ~~or~~ OR The parties have not designated any changes of name at the time of issuance of the marriage license.

Witness my hand and the seal of the county, this ..... day of the month of ..... of the year .....

(Seal)

.....  
 Clerk

**Sec. 3.** NRS 122.120 is hereby amended to read as follows:

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. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

State of Nevada }  
County of ..... } ss.

(Seal of County Clerk) \_\_\_\_\_  
Signature of person performing the marriage

Name under signature typewritten  
or printed in black ink

County Clerk

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

.....  
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

**Sec. 4.** This act becomes effective on ~~July~~ January 1, ~~2017~~ 2018.