

Amendment No. 706

Senate Amendment to Assembly Bill No. 365 First Reprint (BDR 11-1020)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 365 R1 (§§ 8, 9).

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.

VG/NCA



Date: 5/15/2017

A.B. No. 365—Revises provisions relating to marriage. (BDR 11-1020)



ASSEMBLY BILL NO. 365--ASSEMBLYWOMEN COHEN; AND SWANK

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marriage. (BDR 11-1020)

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; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) **Sections 2, 5, 6 and 8-17** of this bill amend existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the statutes do for other authorized persons. **Section 2** defines the term "marriage officiant" as a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. **Section 8** prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants. **Sections 8 and 9** authorize a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. **Section 9** authorizes a county clerk to charge a fee of not more than \$100 for the course to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing and maintaining such a course. **Section 10:** (1) provides for the inclusion of marriage officiants who obtain or renew a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform

marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant.

Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official's authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. (NRS 122.066) **Section 10** provides that if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages, unless certain exceptions apply, any certificate of permission to perform marriages expires 5 years after the date the certificate was issued or renewed. **Section 9** requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of \$25. **Section 9 also authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage or marriage officiant fails to notify the county clerk within 30 days of changing his or her address.**

Section 3 of this bill authorizes a county clerk to establish a program to provide for a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. **Section 3** sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. Finally, **section 3** prohibits the use of a certificate of vow renewal to establish a record of marriage and exempts such a certificate from any requirement for the retention of records by the office of the county clerk.

Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage. (NRS 122.260) **Section 17** revises the penalty by providing that such an act is punishable by a civil penalty of not more than \$1,500. **Section 17** also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license 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 7** of this bill requires the county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. **Section 15** clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage.

Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than \$14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. (NRS 246.075) **Section 18** of this bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Marriage officiant” means a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public,*

1 *who obtains a certificate of permission to perform marriages as provided in NRS*
2 *122.062 to 122.073, inclusive.*

3 **Sec. 3.** *1. A county clerk may, in his or her discretion, establish a*
4 *program to provide for the issuance of a certificate of vow renewal. If a county*
5 *clerk establishes such a program, upon the request of a couple who desires to*
6 *renew their marriage vows, the county clerk shall issue a certificate of vow*
7 *renewal.*

8 *2. The request for a certificate of vow renewal must be made on a form*
9 *prescribed by the county clerk and must include the date of the vow renewal and*
10 *the county in which the vow renewal occurred.*

11 *3. The certificate of vow renewal must contain:*

12 *(a) The date of the vow renewal;*

13 *(b) The county in which the vow renewal occurred;*

14 *(c) The name of the persons to whom the certificate of vow renewal is issued;*
15 *and*

16 *(d) A statement that the certificate of vow renewal is not a record of*
17 *marriage.*

18 *4. This section may not be used to establish a record of marriage.*

19 *5. A county clerk may charge and collect a fee in the same amount as the*
20 *fee collected for the issuance of a marriage license pursuant to NRS 122.060 to*
21 *cover the cost of preparing the certificate furnished pursuant to this section.*

22 *6. Notwithstanding any other provision of law to the contrary, a certificate*
23 *of vow renewal is exempt from any schedule for the retention of records that*
24 *applies to records in the office of the county clerk.*

25 **Sec. 4.** NRS 122.001 is hereby amended to read as follows:

26 122.001 As used in this chapter, unless the context otherwise requires, the
27 words and terms defined in NRS 122.0015, 122.002 and 122.006 *and section 2 of*
28 *this act* have the meanings ascribed to them in those sections.

29 **Sec. 5.** NRS 122.030 is hereby amended to read as follows:

30 122.030 1. With respect to any marriage solemnized before January 1, 1971,
31 the original certificate and records of marriage made by the judge, justice or
32 minister, as prescribed in this chapter, and the record thereof by the recorder of the
33 county, or a copy or abstract of the record certified by the recorder, must be
34 received in all courts and places as presumptive evidence of the fact of the
35 marriage.

36 2. With respect to any marriage solemnized on or after January 1, 1971, the
37 original certificate and records of marriage made by the judge, justice, minister or
38 other church or religious official authorized to solemnize a marriage, notary public,
39 commissioner of civil marriages, ~~for~~ deputy commissioner of civil marriages ~~or~~ *or*
40 *marriage officiant*, as prescribed in this chapter, and the record thereof by the
41 county recorder or the county clerk, as the case may be, or a copy or abstract of the
42 record certified by the county recorder or the county clerk, as the case may be, must
43 be received in all courts and places as presumptive evidence of the fact of the
44 marriage.

45 **Sec. 6.** NRS 122.050 is hereby amended to read as follows:

46 122.050 The marriage license must contain the name of each applicant as
47 shown in the documents presented pursuant to subsection 2 of NRS 122.040 and
48 must be substantially in the following form:

49
50 MARRIAGE LICENSE
51 (EXPIRES 1 YEAR AFTER ISSUANCE)

52
53 State of Nevada

}

County of } ss.

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, ~~notary~~ notary public *or marriage officiant* 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.

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

(Seal) Clerk

Deputy clerk

Sec. 7. 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:
(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 *a duplicate of* your certificate. This is not a certified copy. *After the certificate has been recorded by the county recorder or filed by the county clerk, you may obtain 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.

1 **Sec. 8.** NRS 122.062 is hereby amended to read as follows:

2 122.062 1. Any licensed, ordained or appointed minister or other church or
3 religious official authorized to solemnize a marriage in good standing within his or
4 her church or religious organization, or either of them, incorporated, organized or
5 established in this State, ~~not~~ a notary public appointed by the Secretary of State
6 pursuant to chapter 240 of NRS and in good standing with the Secretary of State, *or*
7 *a marriage officiant* may join together as husband and wife persons who present a
8 marriage license obtained from any county clerk of the State, if the minister, other
9 church or religious official authorized to solemnize a marriage, ~~not~~ notary public
10 *or marriage officiant* first obtains *or renews* a certificate of permission to perform
11 marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a
12 minister or other church or religious official authorized to solemnize a marriage is
13 retired does not disqualify him or her from obtaining a certificate of permission to
14 perform marriages if, before retirement, the minister or other church or religious
15 official authorized to solemnize a marriage had active charge of a church or
16 religious organization for a period of at least 3 years.

17 2. A temporary replacement for a licensed, ordained or appointed minister or
18 other church or religious official authorized to solemnize a marriage certified
19 pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant
20 to subsection 1 for a period not to exceed 90 days, if the requirements of this
21 subsection are satisfied. The minister or other church or religious official authorized
22 to solemnize a marriage whom he or she temporarily replaces shall provide him or
23 her with a written authorization which states the period during which it is effective,
24 and the temporary replacement shall obtain from the county clerk in the county in
25 which he or she is a temporary replacement a written authorization to solemnize
26 marriage and submit to the county clerk an application fee of \$25.

27 3. Any chaplain who is assigned to duty in this State by the Armed Forces of
28 the United States may solemnize marriages if the chaplain obtains a certificate of
29 permission to perform marriages from the county clerk of the county in which his
30 or her duty station is located. The county clerk shall issue such a certificate to a
31 chaplain upon proof of his or her military status as a chaplain and of his or her
32 assignment.

33 4. A licensed, ordained or appointed minister, other church or religious
34 official authorized to solemnize a marriage, active or retired, ~~not~~ a notary public *or*
35 *person who desires to be a marriage officiant* may submit to the county clerk in
36 the county in which a marriage is to be performed an application to perform a
37 specific marriage in the county. The application must:

38 (a) Include the full names and addresses of the persons to be married;

39 (b) Include the date and location of the marriage ceremony;

40 (c) Include the information and documents required pursuant to subsection 1 of
41 NRS 122.064; ~~and~~

42 (d) *If the applicant is a person who desires to be a marriage officiant, include*
43 *verification that the applicant has satisfied the requirements of paragraph (d) of*
44 *subsection 1 of NRS 122.064; and*

45 (e) Be accompanied by an application fee of \$25.

46 5. A county clerk may grant authorization to perform a specific marriage to a
47 person who submitted an application pursuant to subsection 4 if the county clerk is
48 satisfied that the minister or other church or religious official authorized to
49 solemnize a marriage, whether he or she is active or retired, is in good standing
50 with his or her church or religious organization or, in the case of a notary public, if
51 the notary public is in good standing with the Secretary of State ~~not~~, *or in the case*
52 *of a person who desires to be a marriage officiant, that the person satisfied the*
53 *requirements of paragraph (d) of subsection 1 of NRS 122.064.* The authorization

1 must be in writing and need not be filed with any other public officer. A separate
2 authorization is required for each marriage performed. A person may not obtain
3 more than five authorizations to perform a specific marriage pursuant to this section
4 in any calendar year and must acknowledge that he or she is subject to the
5 jurisdiction of the county clerk with respect to the provisions of this chapter
6 governing the conduct of ministers, other church or religious officials authorized to
7 solemnize a marriage, ~~notary~~ notaries public *or marriage officiants* to the same
8 extent as if he or she had obtained a certificate of permission to perform marriages.

9 *6. This section must not be construed to allow a county clerk to authorize a*
10 *marriage officiant to solemnize a marriage unless the county clerk has*
11 *established a course for marriage officiants.*

12 **Sec. 9.** NRS 122.064 is hereby amended to read as follows:

13 122.064 1. A certificate of permission to perform marriages *or a renewal of*
14 *such a certificate* may be obtained only from the county clerk of the county in
15 which the minister, other church or religious official authorized to solemnize a
16 marriage, ~~notary~~ notary public *or person who desires to be a marriage officiant*
17 resides, after the filing of a proper application. The initial application *or application*
18 *for renewal* must:

19 (a) Be in writing and be verified by the applicant.

20 (b) If the applicant is a minister or other church or religious official authorized
21 to solemnize a marriage:

22 (1) Include the date of licensure, ordination or appointment of the minister
23 or other church or religious official authorized to solemnize a marriage, and the
24 name of the church or religious organization with which he or she is affiliated; and

25 (2) Be accompanied by one copy of the affidavit of authority to solemnize
26 marriages described in subsection 5.

27 (c) If the applicant is a notary public:

28 (1) Include the date of the appointment of the notary public by the
29 Secretary of State; and

30 (2) Be accompanied by a verification issued by the Secretary of State
31 within the 3 months immediately preceding the date of the application which states
32 that the applicant has been appointed as a notary public by the Secretary of State
33 pursuant to chapter 240 of NRS and is in good standing with the Secretary of State.
34 The county clerk must refuse to issue a certificate of permission if the appointment
35 of the notary public is suspended or revoked and may refuse to issue a certificate of
36 permission if the notary public has committed any violations of chapter 240 of
37 NRS.

38 (d) *If the applicant is not a minister, other church or religious official*
39 *authorized to solemnize a marriage or notary public but a person who desires to*
40 *be a marriage officiant:*

41 (1) *Include an additional fee not to exceed \$100 for a course for*
42 *marriage officiants established by the county clerk; and*

43 (2) *Be accompanied by verification that the applicant successfully*
44 *completed a course for marriage officiants established by the county clerk.*

45 (e) Include the social security number of the applicant.

46 ~~notary~~ (f) Be accompanied by an application fee of \$25.

47 2. To determine the qualifications of any minister, other church or religious
48 official authorized to solemnize a marriage, ~~notary~~ notary public *or person who*
49 *desires to be a marriage officiant* who has filed an application for a certificate of
50 permission, the county clerk with whom the application has been filed may require:

51 (a) The church or religious organization of the minister or other church or
52 religious official authorized to solemnize a marriage to furnish any evidence which
53 the county clerk considers necessary or helpful.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the
month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing *or renewing* a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, ~~not~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, ~~not~~ other church or religious official authorized to solemnize a marriage *or marriage officiant* must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. *Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing within 30 days after the change.* If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the county treasury to be used for establishing and maintaining a course for marriage officiants.

Sec. 10. 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, other church or religious officials authorized to solemnize a marriage, ~~not~~ notaries public *or marriage officiants* who have been issued a certificate of permission to perform marriages ~~or~~ *or whose certificate has been renewed*. The database must:

(a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage, ~~not~~ notaries public *or marriage officiants* approved to perform marriages 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, other church or religious official authorized to solemnize a marriage, ~~not~~ notary public *or marriage officiant* as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage, ~~notary public~~ **or marriage officiant**.

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

(a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage, ~~notaries public~~ **or marriage officiants** maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages **or the renewal of a certificate** is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage, ~~notary public~~ **or marriage officiant** pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage, ~~notary public~~ **or marriage officiant**:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage, ~~notaries public~~ **or marriage officiants**;

(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, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued **or renewed** changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. *In addition to the circumstances set forth in this section in which a certificate of permission to perform marriages is no longer valid or expires, a county clerk may, in his or her discretion, establish a policy providing that a certificate of permission expires 5 years after the date it was issued or renewed. If a county clerk does not establish such a policy, the certificate of permission remains valid unless and until it becomes invalid or expires pursuant to this section.*

5. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages. ~~without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.~~

~~5-1~~ 6. An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection ~~14~~ 5 must be sent to the county clerk within 5 days after the minister or other church or religious official 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 church or religious official authorized to solemnize a marriage for the church or religious organization.

~~6-7~~ 7. If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official 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 church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; ~~10-11~~

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired ~~11~~ ; or

(c) The marriage officiant is no longer in good standing with the county clerk,

➤ the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage , ~~10-11~~ notary public ~~11~~ or marriage officiant. If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage , ~~10-11~~ notary public or marriage officiant in the statewide database pursuant to subsection 1.

~~17-18~~ 8. Except as otherwise provided in subsection ~~18-19~~ 9, if any minister or other church or religious official 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 move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

~~18-19~~ 9. If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

~~19-20~~ 10. If any notary public or marriage officiant to whom a certificate of permission has been issued or renewed moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

~~10-11~~ 11. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage , ~~10-11~~ notaries public or marriage officiants to whom a certificate of permission to perform marriages has been issued or renewed in this State.

1 **Sec. 11.** NRS 122.068 is hereby amended to read as follows:

2 122.068 1. Any county clerk who has issued *or renewed* a certificate of
3 permission to perform marriages to a minister, other church or religious official
4 authorized to solemnize a marriage, ~~notary~~ notary public *or marriage officiant*
5 pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good
6 cause shown after a hearing.

7 2. If the certificate of permission to perform marriages of any minister, other
8 church or religious official authorized to solemnize a marriage, ~~notary~~ notary public
9 *or marriage officiant* is revoked or if the county clerk has received an affidavit of
10 removal of authority to solemnize marriages pursuant to NRS 122.0665, the county
11 clerk shall inform the Secretary of State of that fact, and the Secretary of State shall
12 immediately remove the name of the minister, other church or religious official
13 authorized to solemnize a marriage, ~~notary~~ notary public *or marriage officiant* from
14 the official list contained in the database of ministers, other church or religious
15 officials authorized to solemnize a marriage, ~~notaries~~ notaries public *or marriage*
16 *officiants* and shall notify each county clerk and county recorder in the State of the
17 revocation or removal of authority.

18 **Sec. 12.** NRS 122.071 is hereby amended to read as follows:

19 122.071 Any minister, other church or religious official authorized to
20 solemnize a marriage, ~~notary~~ notary public *or marriage officiant* whose application
21 for a certificate of permission to perform marriages or renewal of such certificate is
22 denied, or whose certificate of permission is revoked, is entitled to judicial review
23 of such action in the district court of the county in which such action was taken.

24 **Sec. 13.** NRS 122.090 is hereby amended to read as follows:

25 122.090 No marriage solemnized before any person professing to be a judge,
26 justice, minister or other church or religious official authorized to solemnize a
27 marriage, notary public *or marriage officiant* to whom a certificate of permission
28 to perform marriages *or a renewal of a certificate* has been issued, commissioner
29 of civil marriages or deputy commissioner of civil marriages shall be deemed or
30 adjudged to be void, nor shall the validity thereof be in any way affected on account
31 of any want of jurisdiction or authority, provided it be consummated with a full
32 belief on the part of the persons so married, or either of them, that they have been
33 lawfully joined in marriage.

34 **Sec. 14.** NRS 122.110 is hereby amended to read as follows:

35 122.110 1. In the solemnization of marriage, no particular form is required
36 except that the parties shall declare, in the presence of the justice, judge, minister or
37 other church or religious official authorized to solemnize a marriage, notary public
38 *or marriage officiant* to whom a certificate of permission to perform marriages *or*
39 *a renewal of a certificate* has been issued, justice of the peace, commissioner of
40 civil marriages or deputy commissioner of civil marriages, and the attending
41 witness, that they take each other as husband and wife.

42 2. In every case, there shall be at least one witness present besides the person
43 performing the ceremony.

44 **Sec. 15.** NRS 122.120 is hereby amended to read as follows:

45 122.120 1. After a marriage is solemnized, the person solemnizing the
46 marriage shall give to each couple being married ~~an~~ *an uncertified copy of a*
47 certificate of marriage.

48 2. The certificate of marriage must contain the date of birth of each applicant
49 as contained in the form of marriage license pursuant to NRS 122.050. If a male
50 and female person who are the husband and wife of each other are being rejoined in
51 marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must
52 state that the male and female person were rejoined in marriage and that the
53 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
MARRIAGE CERTIFICATE

State of Nevada }
County of } ss.

This is to certify that the undersigned, (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of County, commissioner of civil marriages , ~~+~~~~+~~ deputy commissioner of civil marriages ~~+~~ **or marriage officiant**, as the case may be), did on the day of the month of of the year at (address or church), (city), Nevada, join or rejoin, as the case may be, in lawful wedlock (name), of (city), State of date of birth and (name), of(city), State of date of birth with their mutual consent, in the presence of and (witnesses). (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, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

(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. 16. NRS 122.220 is hereby amended to read as follows:
122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary

1 public, commissioner of civil marriages , ~~for~~ deputy commissioner of civil
2 marriages *or marriage officiant* to join together as husband and wife persons
3 allowed by law to be joined in marriage, until the persons proposing such marriage
4 exhibit to him or her a license from the county clerk as provided by law.

5 2. Any Supreme Court justice, judge of the Court of Appeals, judge of a
6 district court, justice of the peace, municipal judge, minister or other church or
7 religious official authorized to solemnize a marriage, notary public, commissioner
8 of civil marriages , ~~for~~ deputy commissioner of civil marriages *or marriage*
9 *officiant* who violates the provisions of subsection 1 is guilty of a misdemeanor.

10 **Sec. 17.** NRS 122.260 is hereby amended to read as follows:

11 122.260 If any person ~~shall undertake~~ *undertakes* to join others in marriage,
12 knowing that he or she is not lawfully authorized so to do, or knowing of the
13 existence of any legal impediment to the proposed marriage, the person ~~is guilty of~~
14 ~~a misdemeanor~~ *shall be punished by a civil penalty of not more than \$1,500. A*
15 *board of county commissioners may enact an ordinance delegating to a hearing*
16 *officer the authority to determine violations of this section and to levy civil*
17 *penalties for those violations.*

18 **Sec. 18.** NRS 246.075 is hereby amended to read as follows:

19 246.075 1. In a county whose population is 700,000 or more, the board of
20 county commissioners may impose by ordinance an additional fee of not more than
21 \$14 for the issuance of a marriage license.

22 2. An ordinance adopted pursuant to subsection 1 must include a provision
23 creating a special revenue fund designated as the fund for the promotion of
24 marriage tourism. Any money collected from a fee imposed pursuant to subsection
25 1 must be paid by the county clerk to the county treasurer, and the county treasurer
26 shall deposit the money received in the fund.

27 3. Any interest earned on money in the fund, after deducting any applicable
28 charges, must be credited to the fund.

29 4. Any money remaining in the fund at the end of a fiscal year must not revert
30 to the county general fund, and the balance in the fund must be carried forward to
31 the next fiscal year.

32 5. The money in the fund:

33 (a) Must be used by the county clerk only to promote wedding tourism in the
34 county.

35 (b) Must not be used to replace or supplant any money available to fund the
36 regular operations of the office of the county clerk.

37 6. If a board of county commissioners adopts an ordinance pursuant to
38 subsection 1, on or before July 1 of each year, the county clerk shall ~~submit~~ *report*
39 to the board of county commissioners ~~a report of~~ the projected expenditures of the
40 money in the fund for the following fiscal year.

41 **Sec. 19.** If, pursuant to NRS 122.066, as amended by section 10 of this act, a
42 county clerk establishes a policy providing that a certificate of permission to
43 perform marriages expires 5 years after the certificate of permission is issued or
44 renewed, a certificate of permission issued by the county clerk to a minister or other
45 church or religious official authorized to solemnize a marriage or a notary public
46 before July 1, 2017, expires on June 30, 2022, and may be renewed pursuant to
47 NRS 122.064, as amended by section 9 of this act.

48 **Sec. 20.** This act becomes effective on July 1, 2017.