

CHAPTER.....

AN ACT relating to marriage; authorizing a mayor to perform a marriage under certain circumstances; prohibiting a mayor from accepting any fee or anything of value for performing a marriage, except for nonmonetary gifts of nominal value; revising various provisions governing the performance of marriages; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the following persons to perform a marriage: (1) any Supreme Court Justice; (2) a judge of the Court of Appeals; (3) a judge of a district court within this State; (4) any justice of the peace in his or her township if it is not a commissioner township, which is defined as a township whose population is 15,000 or more and is located in a county whose population is 100,000 or more (currently Clark and Washoe Counties); (5) certain justices of the peace in a commissioner township; (6) certain municipal judges; (7) any commissioner of civil marriages within his or her county and within a commissioner township therein; and (8) any deputy commissioner of civil marriages within the county of his or her appointment and within a commissioner township therein. (NRS 122.080)

Section 3 of this bill authorizes a mayor to perform a marriage under certain circumstances. Additionally, **section 3** prohibits a mayor from accepting any fee or anything of value for performing a marriage, except for nonmonetary gifts of nominal value, and provides that a mayor who performs a marriage and accepts any fee or anything of value in connection with performing the marriage is guilty of a misdemeanor. **Sections 1, 2 and 4-7** of this bill make conforming changes.

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

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

Section 1. NRS 122.030 is hereby amended to read as follows:

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

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages , ~~for~~ deputy commissioner of civil



marriages **H** *or mayor of an incorporated city*, as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

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 must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
County of } ss.

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 ***or any mayor if authorized pursuant to subsection 5 of NRS 122.080,*** 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. 3. NRS 122.080 is hereby amended to read as follows:

122.080 1. After receipt of the marriage license previously issued to persons wishing to be married as provided in NRS 122.040 and 122.050, it is lawful for any justice of the Supreme Court, any judge of the Court of Appeals, any judge of the district court, any justice of the peace in his or her township if it is not a commissioner township, any justice of the peace in a commissioner township if authorized pursuant to subsection 3, any municipal judge if authorized pursuant to subsection 4, any commissioner of civil marriages within his or her county and within a commissioner township therein, ~~for~~ any deputy commissioner of civil marriages within the county of his or her appointment and within a commissioner township therein ~~or~~ *or any mayor if authorized pursuant to subsection 5*, to join together as husband and wife all persons not prohibited by this chapter.

2. This section does not prohibit:

(a) A justice of the peace of one township, while acting in the place and stead of the justice of the peace of any other township, from performing marriage ceremonies within the other township, if such other township is not a commissioner township.

(b) A justice of the peace of one township performing marriages in another township of the same county where there is no duly qualified and acting justice of the peace, if such other township is not a commissioner township or if he or she is authorized to perform the marriage pursuant to subsection 3.



3. In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commissioner townships if he or she does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

4. In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this State if he or she does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

5. *A mayor of an incorporated city may perform a marriage ceremony if he or she is:*

(a) The mayor of a city organized under general law; or

(b) Authorized by the city council or other governing body of a city organized under a special charter.

6. *Any mayor who performs a marriage ceremony shall not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.*

7. Any justice of the peace who performs a marriage ceremony in a commissioner township or any municipal judge *or mayor* who performs a marriage ceremony in this State and who, in violation of this section, accepts any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage is guilty of a misdemeanor.

Sec. 4. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public to whom a certificate of permission to perform marriages has been issued, commissioner of civil marriages, ~~not~~ deputy commissioner of civil marriages *or mayor* shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 5. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public to whom a



certificate of permission to perform marriages has been issued,
justice of the peace, commissioner of civil marriages, ~~or~~ deputy
commissioner of civil marriages ~~or~~ *or mayor*, and the attending
witness, that they take each other as husband and wife.

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

Sec. 6. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

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 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, ~~for~~ deputy commissioner of civil marriages ~~for~~ **or mayor**, 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.)

.....
Signature of person performing
(Seal of County Clerk) 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. 7. 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 public, commissioner of civil marriages , ~~for~~ deputy commissioner of civil marriages *or mayor* to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. 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 public, commissioner of civil marriages , ~~for~~ deputy commissioner of civil marriages *or mayor* who violates the provisions of subsection 1 is guilty of a misdemeanor.



Sec. 8. This act becomes effective on July 1, 2017.

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