

Amendment No. 167

Senate Amendment to Senate Bill No. 211	(BDR 11-656)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 211 (§ 1.3).

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.

AMD/HAC



Date: 4/17/2023

S.B. No. 211—Revises provisions relating to marriage. (BDR 11-656)



SENATE BILL NO. 211—SENATORS D. HARRIS, NGUYEN, FLORES; DONATE,
OHRENSCHALL, PAZINA AND SCHEIBLE

MARCH 2, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marriage. (BDR 11-656)

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, under certain circumstances, a county clerk or county recorder to issue ~~a corrected~~ **an amended** certificate of marriage to a ~~spouse~~ **party to a marriage** whose name has changed; eliminating the authority for an applicant for a marriage license to change his or her middle or last name at the time of issuance of a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if any information in a certificate of marriage is incorrect, the county clerk or the county recorder may charge and collect from a person certain fees for the preparation of an affidavit of correction and the filing of a corrected certificate of marriage. (NRS 122.135) **Section 1.3** of this bill provides that if a marriage was solemnized in this State and a ~~spouse~~ **party to the marriage** receives a certified copy of a court order **from a court of this State or another state, the District of Columbia or any territory of the United States** changing the name of ~~that spouse,~~ **the party**, the county clerk ~~for county recorder~~ shall issue ~~a corrected~~ **an amended** certificate of marriage upon ~~receipt of:~~ **receipt of:** (1) ~~application by the spouse whose name was changed,~~ **a certified copy of the original certificate of marriage;** (2) ~~receipt of~~ a certified copy of the court order; ~~and~~ (3) ~~receipt of an~~ **a notarized affidavit of correction** **amendment executed by the parties to the marriage;** and (4) the applicable fees. **Section 1.6 of this bill sets forth the form for any amended certificate of marriage that is issued pursuant to section 1.3.**

Existing law provides that at the time of issuance of a marriage 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. An applicant for a marriage license may change his or her name pursuant to this provision only at the time of issuance of the license. (NRS 122.040) **Section 2** of this bill eliminates this authority for such a name change at the time of issuance of a marriage license. ~~Section~~ **Sections 3 and 4** of this bill ~~makes a~~ **make** conforming ~~change~~ **changes** to the format of marriage licenses **and certificates of marriage** to account for the elimination of that authority by **section 2**.

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 1.3 and 1.6 of this act.~~ the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. If a marriage was solemnized in this State and a ~~spouse~~ party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the ~~spouse~~ party, the county clerk ~~for county recorder~~ shall issue ~~a corrected~~ an amended certificate of marriage to that ~~spouse~~ party that ~~includes~~ sets forth the new name of ~~that spouse~~ the party, upon ~~receipt~~ by the county clerk of:

(a) ~~Application by the spouse whose name was changed;~~ A certified copy of the original certificate of marriage;

(b) ~~Receipt of a~~ A certified copy of the court order; ~~and~~

(c) ~~Receipt of an~~ A notarized affidavit of ~~correction and the applicable fees set forth in NRS 122.135 for an affidavit of correction and filing the corrected certificate of~~ amendment prepared by the county clerk and executed by the parties to the marriage ~~;~~ and

(d) The fees required pursuant to subsection 2.

2. The county clerk may charge and collect a fee of not more than \$25 for the preparation of the affidavit of amendment pursuant to paragraph (c) of subsection 1. The party requesting the amended certificate of marriage must also pay any fee required pursuant to NRS 246.180 or NRS 247.305, as applicable, for the filing or recording of the amended certificate of marriage.

3. Upon compliance with subsection 1, the county clerk shall issue an uncertified copy of the amended certificate of marriage to the parties to the marriage.

4. The county clerk or county recorder, as applicable, shall maintain as a public record the original certificate of marriage and the ~~corrected~~ amended certificate of marriage issued pursuant to this section.

Sec. 1.6. 1. An amended certificate of marriage issued pursuant to section 1.3 of this act must be substantially in the following form:

STATE OF NEVADA
AMENDED CERTIFICATE OF MARRIAGE

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

This is to acknowledge that a marriage officiant, did on the day of the month of of the year, at (address or church), (city), Nevada, join 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 at least one witness.

(Seal of County Clerk)

Signature of County Clerk

This certificate is issued to reflect an amendment made pursuant to Instrument No. on file at the Office of the County [Clerk or Recorder] and the court order issued in County, State of Case No.
The original Certificate of Marriage No., recorded or filed as Instrument No. is on file at the Office of the County [Clerk or Recorder].

2. All information contained in the amended certificate of marriage must be typewritten or legibly printed in black ink, except the signatures.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. 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:

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

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

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

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

(b) A passport.

(c) A birth certificate and:

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

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

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

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

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

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

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the

1 answer is unknown. The county clerk shall not deny a license to an applicant who
2 states that the applicant does not have a social security number or who states that
3 any requested information concerning the applicant's parents is unknown.

4 4. Upon finding that extraordinary circumstances exist which result in only
5 one applicant being able to appear before the county clerk, the county clerk may
6 waive the requirements of subsection 3 with respect to the person who is unable to
7 appear before the county clerk, or may refer the applicant to the district court. If the
8 applicant is referred to the district court, the district court may waive the
9 requirements of subsection 3 with respect to the person who is unable to appear
10 before the county clerk. If the district court waives the requirements of subsection
11 3, the district court shall notify the county clerk in writing. If the county clerk or the
12 district court waives the requirements of subsection 3, the county clerk shall require
13 the applicant who is able to appear before the county clerk to:

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

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

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

28 5. When the authorization of a district court is required because the marriage
29 involves a minor, the county clerk shall issue the license if that authorization is
30 given to the county clerk in writing.

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

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

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

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

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

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

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

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

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

49 ~~— (3) A hyphenated combination of the potential last names described in
50 paragraphs (a) and (b).~~

51 ~~7.]~~ All records pertaining to marriage licenses are public records and open to
52 inspection pursuant to the provisions of NRS 239.010.

~~[8.]~~ 7. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. 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 }
County of } ss.

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, 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 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 Name of Parent No. 1 State of birth of Parent No. 1 (If not in U.S.A., name of country) Name of Parent No. 2 State of birth of Parent No. 2 (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Former Spouse: 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 Name of Parent No. 1 State of birth of Parent No. 1 (If not in U.S.A., name of country) Name of Parent No. 2 State of birth of Parent No. 2 (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Former Spouse: 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 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
..... Deputy clerk

Sec. 4. 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 an uncertified copy of 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 two persons, regardless of gender, who are spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the persons 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, deputy commissioner of civil marriages, marriage officiant 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). ~~After (name) and (name) are joined or rejoined in marriage, as the case may be, (name) wishes to use the name (New name) and (name) wishes to use the name (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.~~ (If two persons, regardless of gender, who are the spouses 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 persons 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. 5. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 4, inclusive, of this act become effective:
(a) Upon passage and approval for the purpose of performing any
preparatory administrative tasks that are necessary to carry out the provisions
of this act; and
(b) On January 1, 2024, for all other purposes.