

Amendment No. 496

Senate Amendment to Senate Bill No. 211 First Reprint (BDR 11-656)

Proposed by: Senator D. Harris

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 S.B. 211 R1 (§§ 1.3, 1.9).

| 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.

AMD/HAC



Date: 4/23/2023

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 an amended certificate of marriage to a 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 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 party, the county clerk shall issue an amended certificate of marriage upon receipt of: (1) a certified copy of the original certificate of marriage; (2) a certified copy of the court order; (3) a notarized affidavit of 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**.

If the amended certificate of marriage is issued by a county recorder or county clerk of a county other than the county which issued the marriage license, section 1.9 of this bill requires the party requesting the amended certificate of marriage to, within 10 days after receiving a certified copy of the amended certificate, deliver that copy to the county clerk or county recorder, as applicable, of the county where the marriage license was issued. Section 1.9 also requires the county clerk or county recorder, as applicable, to then record the certified copy of the amended certificate of marriage.

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. **Sections 3 and 4** of this bill make conforming changes to the format of marriage licenses and certificates of marriage to account for the elimination of that authority by **section 2**.

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, ~~and~~ 1.6 **and 1.9** of this act.

Sec. 1.3. *1. If a marriage was solemnized in this State and a 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 party, the county clerk shall issue an amended certificate of marriage to that party that sets forth the new name of the party, upon receipt by the county clerk of:*

- (a) A certified copy of the original certificate of marriage;
- (b) A certified copy of the court order;
- (c) A notarized affidavit 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 ~~the~~ a certified 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 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 }
County of } ss.

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. 1.9. 1. Each party who is issued an amended certificate of marriage pursuant to section 1.3 of this act by a county recorder or county clerk of a county other than the county clerk of the county where the marriage license was issued shall, within 10 days after receiving a certified copy of the amended certificate of marriage, deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the marriage license was issued a certified copy of the amended certificate of marriage required by section 1.3 of this act.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the marriage license was issued a certified copy of the amended certificate of marriage required by section 1.3 of this act.

2. The certified copy of an amended certificate of marriage delivered pursuant to this section must be recorded by the county recorder or filed by the county clerk. For the recording or filing of a certified copy of an amended certificate of marriage pursuant to this section, the county recorder or county clerk is entitled to the fees designated in subsection 2 of section 1.3 of this act. All such fees must be deposited in the county general fund.

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.

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

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

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

9 3. Except as otherwise provided in subsection 4, the county clerk issuing the
10 license shall require each applicant to answer under oath each of the questions
11 contained in the form of license. The county clerk shall, except as otherwise
12 provided in this subsection, require each applicant to include the applicant's social
13 security number on the affidavit of application for the marriage license. If a person
14 does not have a social security number, the person must state that fact. The county
15 clerk shall not require any evidence to verify a social security number. If any of the
16 information required is unknown to the person, the person must state that the
17 answer is unknown. The county clerk shall not deny a license to an applicant who
18 states that the applicant does not have a social security number or who states that
19 any requested information concerning the applicant's parents is unknown.

20 4. Upon finding that extraordinary circumstances exist which result in only
21 one applicant being able to appear before the county clerk, the county clerk may
22 waive the requirements of subsection 3 with respect to the person who is unable to
23 appear before the county clerk, or may refer the applicant to the district court. If the
24 applicant is referred to the district court, the district court may waive the
25 requirements of subsection 3 with respect to the person who is unable to appear
26 before the county clerk. If the district court waives the requirements of subsection
27 3, the district court shall notify the county clerk in writing. If the county clerk or the
28 district court waives the requirements of subsection 3, the county clerk shall require
29 the applicant who is able to appear before the county clerk to:

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

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

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

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

47 6. ~~At the time of issuance of the license, an applicant or both applicants may~~
48 ~~elect to change the middle name or last name, or both, by which an applicant~~
49 ~~wishes to be known after solemnization of the marriage. The first name of each~~
50 ~~applicant selected for use by the applicant after solemnization of the marriage must~~
51 ~~be the same as the first name indicated on the proof of the applicant's name~~
52 ~~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).~~

~~7.] All records pertaining to marriage licenses are public records and open to 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 }
 } ss.
 County of

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.)

.....
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.