

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 1.3, 1.9)

(Reprinted with amendments adopted on May 23, 2023)

THIRD REPRINT

S.B. 211

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 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 of the county where the original marriage license was issued 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**.

Existing law authorizes a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance requiring a certificate of marriage to be filed in the office of the county clerk. (NRS 246.100) If a board of county commissioners has adopted such an ordinance, **section 1.9** of this bill requires the county clerk to file the amended certificate of



* S B 2 1 1 R 3 *

marriage in the office of the county clerk within 10 days after its issuance. If a board of county commissioners has not adopted such an ordinance, **section 1.9** instead requires the party to whom the amended certificate of marriage is issued to file the amended certificate of marriage with the county recorder of the county where the original certificate of marriage was recorded within 10 days after its issuance.

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**.

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, 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 of the county where the original marriage license was issued to the party 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 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*



1 and the amended certificate of marriage issued pursuant to this
2 section.

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

6 STATE OF NEVADA
7 AMENDED CERTIFICATE OF MARRIAGE

8
9 State of Nevada }
10 } ss.
11 County of..... }

12
13 This is to acknowledge that a marriage officiant, did on
14 the..... day of the month of..... of the year.....,
15 at..... (address or church),..... (city), Nevada,
16 join in lawful wedlock..... (name), of..... (city),
17 State of....., date of birth....., and..... (name),
18 of..... (city), State of....., date of birth....., with
19 their mutual consent, in the presence of at least one witness.

20
21 (Seal of County Clerk)

22
23 This certificate is issued to reflect an amendment made
24 pursuant to Instrument No..... on file at the Office of
25 the..... County [Clerk or Recorder] and the court
26 order issued in..... County, State of....., Case
27 No.....

28
29 The original Certificate of Marriage No....., recorded
30 or filed as Instrument No....., is on file at the Office of
31 the..... County [Clerk or Recorder].

32
33 2. All information contained in the amended certificate of
34 marriage must be typewritten or legibly printed in black ink,
35 except the signatures.

36 **Sec. 1.9. 1.** If a county clerk issues an amended certificate
37 of marriage pursuant to section 1.3 of this act and the board of
38 county commissioners:

39 (a) Has adopted an ordinance pursuant to NRS 246.100, the
40 county clerk shall, within 10 days after its issuance, file the
41 amended certificate of marriage in the office of the county clerk.

42 (b) Has not adopted an ordinance pursuant to NRS 246.100,
43 the party to whom the amended certificate of marriage is issued
44 shall, within 10 days after receipt, file the amended certificate of



marriage with the county recorder where the original certificate of marriage was recorded.

2. For the recording or filing 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.

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

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

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

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

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



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.
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
(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. 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.

