

SENATE BILL 54

D4
SB 289/21 – JPR

(PRE-FILED)

2lr1156

By: **Senator Reilly**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Marriage License Applications and Ceremonies**

3 FOR the purpose of authorizing a party to be married in Anne Arundel County to apply for
4 a marriage license by providing certain information to the clerk by mail, courthouse
5 drop box, or e-mail; authorizing a certain individual in Anne Arundel County to
6 perform a marriage ceremony through the use of an audiovisual means of
7 communication if the parties to be married are both physically present at a single
8 location in Anne Arundel County; and generally relating to marriage license
9 applications and ceremonies in Anne Arundel County.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 2–402, 2–406, and 2–409
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2021 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

Article – Family Law

18 2–402.

19 (a) **[An] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN**
20 applicant for a license may apply to the clerk only at the office of the clerk during regular
21 office hours.

22 (b) Except as provided in **[subsection] SUBSECTIONS (d) AND (F)** of this section,
23 to apply for a license, **[1] ONE** of the parties to be married shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) appear before the clerk and give, under oath, the following information,
2 which shall be placed on an application form by the clerk:

3 (i) the full name of each party;

4 (ii) the place of residence of each party;

5 (iii) the age of each party;

6 (iv) whether the parties are related by blood or marriage and, if so,
7 in which degree of relationship;

8 (v) the marital status of each party; and

9 (vi) whether either party was married previously, and the date and
10 place of each death or judicial determination that ended any former marriage;

11 (2) sign the application form; and

12 (3) provide the clerk with the Social Security number of each party who has
13 a Social Security number.

14 (c) The Social Security numbers of the parties:

15 (1) shall be included in the electronic file for the marriage license
16 application; and

17 (2) except as provided in § 4–334 of the General Provisions Article, may not
18 be disclosed as part of the public record of the marriage license application.

19 (d) If the parties to be married are not residents of the county where the marriage
20 ceremony is to be performed, the clerk shall accept, instead of the application specified in
21 subsection (b) of this section, an affidavit from **[1] ONE** of the parties to be married. The
22 affidavit shall:

23 (1) contain the information required by subsection (b) of this section; and

24 (2) be sworn to under oath before a clerk or other comparable official in the
25 county, state, province, or country where the party resides.

26 (e) Until a license becomes effective, a clerk may not disclose the fact that an
27 application for a license has been made except to the parent or guardian of a party to be
28 married.

29 **(F) (1) IN THIS SUBSECTION, “VIDEO CONFERENCING” MEANS AN**
30 **AUDIOVISUAL MEANS OF COMMUNICATION.**

1 **(2) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

2 **(3) (I) IF A MARRIAGE IS TO BE PERFORMED IN ANNE ARUNDEL**
3 **COUNTY, AS AN ALTERNATIVE TO APPEARING BEFORE THE CLERK UNDER**
4 **SUBSECTION (B)(1) OF THIS SECTION, A PARTY TO BE MARRIED MAY APPLY TO THE**
5 **CLERK FOR ANNE ARUNDEL COUNTY FOR A MARRIAGE LICENSE BY:**

6 **1. PROVIDING TO THE CLERK A SIGNED MARRIAGE**
7 **LICENSE APPLICATION FORM CONTAINING THE INFORMATION REQUIRED BY**
8 **SUBSECTION (B) OF THIS SECTION BY MAIL, COURTHOUSE DROP BOX, OR E-MAIL;**
9 **AND**

10 **2. INCLUDING THE LICENSE APPLICATION PAYMENT AS**
11 **DIRECTED BY THE CLERK.**

12 **(II) THE INFORMATION ON AN APPLICATION SUBMITTED UNDER**
13 **SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE SWORN TO:**

14 **1. UNDER OATH BEFORE THE CLERK THROUGH THE USE**
15 **OF VIDEO CONFERENCING; OR**

16 **2. IF THE USE OF VIDEO CONFERENCING IS NOT**
17 **PRACTICAL UNDER THE CIRCUMSTANCES, IN AN AFFIDAVIT INCLUDED WITH THE**
18 **APPLICATION.**

19 2-406.

20 (a) (1) In this subsection, “judge” means:

21 (i) a judge of the District Court, a circuit court, the Court of Special
22 Appeals, or the Court of Appeals;

23 (ii) a judge approved under Article IV, § 3A of the Maryland
24 Constitution and § 1-302 of the Courts Article for recall and assignment to the District
25 Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

26 (iii) a judge of a United States District Court, a United States Court
27 of Appeals, or the United States Tax Court; or

28 (iv) a judge of a state court if the judge is active or retired but eligible
29 for recall.

30 (2) A marriage ceremony may be performed in this State by:

1 (i) any official of a religious order or body authorized by the rules
2 and customs of that order or body to perform a marriage ceremony;

3 (ii) any clerk;

4 (iii) any deputy clerk designated by the county administrative judge
5 of the circuit court for the county; or

6 (iv) a judge.

7 (b) Within 6 months after a license becomes effective, any authorized official may
8 perform the marriage ceremony of the individuals named in the license.

9 (c) (1) An individual may not perform a marriage ceremony unless the
10 individual is authorized to perform a marriage ceremony under subsection (a) of this
11 section.

12 (2) An individual who violates this subsection is guilty of a misdemeanor
13 and on conviction is subject to a fine of \$500.

14 (d) (1) An individual may not knowingly perform a marriage ceremony
15 between individuals who are prohibited from marrying under § 2–202 of this title.

16 (2) An individual who violates the provisions of this subsection is guilty of
17 a misdemeanor and on conviction is subject to a fine of \$500.

18 (e) (1) An individual may not perform a marriage ceremony without a license
19 that is effective under this subtitle.

20 (2) An individual who violates the provisions of this subsection is guilty of
21 a misdemeanor and on conviction is subject to a fine not exceeding \$500.

22 (f) The county administrative judge of the circuit court for the county shall
23 designate:

24 (1) when and where the clerk or deputy clerk may perform a marriage
25 ceremony; and

26 (2) the form of the marriage ceremony to be recited by the clerk or deputy
27 clerk and the parties being married.

28 (g) This section does not affect the right of any religious denomination to perform
29 a marriage ceremony in accordance with the rules and customs of the denomination.

30 **(H) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

31 **(2) AN INDIVIDUAL AUTHORIZED TO PERFORM A MARRIAGE**

1 CEREMONY MAY, FROM A DIFFERENT LOCATION IN ANNE ARUNDEL COUNTY THAN
2 THE PARTIES TO BE MARRIED, PERFORM A MARRIAGE CEREMONY THROUGH THE
3 USE OF AN AUDIOVISUAL MEANS OF COMMUNICATION IF THE PARTIES TO BE
4 MARRIED ARE BOTH PHYSICALLY PRESENT AT A SINGLE LOCATION IN ANNE
5 ARUNDEL COUNTY.

6 2-409.

7 (a) Each marriage certificate shall contain:

8 (1) the name, signature, and title of the authorized official who performs
9 the marriage ceremony; or

10 (2) if the individuals are married in a Society of Friends marriage
11 ceremony, the signatures of the individuals and the attestation of the certificate by [2] TWO
12 overseers of the marriage ceremony.

13 (b) (1) The authorized official who performs the marriage ceremony shall:

14 (i) 1. hand [1] ONE marriage certificate to the individuals; OR

15 2. FOR A MARRIAGE CEREMONY PERFORMED IN
16 ACCORDANCE WITH THE PROVISIONS OF § 2-406(H)(2) OF THIS SUBTITLE, MAIL,
17 E-MAIL, OR DELIVER THE MARRIAGE CERTIFICATE TO THE INDIVIDUALS BY
18 ANOTHER ELECTRONIC FORMAT; and

19 (ii) return, within 5 days from the date of the marriage ceremony,
20 the other marriage certificate to the clerk who issued the license to which the certificates
21 were attached, but if the authorized official who performs the marriage ceremony dies or
22 resigns, some other individual shall return the certificate.

23 (2) If the individuals are married in a Society of Friends marriage
24 ceremony, they:

25 (i) may keep [1] ONE marriage certificate; and

26 (ii) within 5 days from the date of the marriage ceremony, shall
27 return the other marriage certificate to the clerk who issued the license to which the
28 certificates were attached.

29 (c) If the marriage certificate is not returned within 6 months after the date on
30 which the license becomes effective, the clerk who issued the license shall attempt to
31 determine whether the marriage ceremony was performed and, if so, the name of the
32 authorized official who performed the marriage ceremony.

33 (d) (1) An individual who performs a marriage ceremony or who is married in

1 a Society of Friends marriage ceremony may not violate the provisions of subsection
2 (b)(1)(ii) or (2)(ii) of this section.

3 (2) An individual who violates any provision of this subsection is guilty of
4 a misdemeanor and on conviction is subject to a fine in an amount that the court considers
5 appropriate.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.