

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 62

101ST GENERAL ASSEMBLY

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1052S.02C

ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 59.021, 59.100, and 451.040, RSMo, and to enact in lieu thereof three new sections relating to county recorders of deeds, with existing penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 59.021, 59.100, and 451.040, RSMo,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 59.021, 59.100, and 451.040, to read as  
4 follows:

59.021. A candidate for county recorder where the  
2 offices of the clerk of the court and recorder of deeds are  
3 separate, except in any city not within a county or any  
4 county having a charter form of government, shall be at  
5 least twenty-one years of age, a registered voter, and a  
6 resident of the state of Missouri as well as the county in  
7 which he or she is a candidate for at least one year prior  
8 to the date of the general election. Upon election to  
9 office, the person shall continue to reside in that county  
10 during his or her tenure in office. **Each candidate for  
11 county recorder shall provide to the election authority a  
12 copy of an affidavit from a surety company authorized to do  
13 business in this state that indicates the candidate is able  
14 to satisfy the bond requirements under section 59.100.**

59.100. 1. Every recorder elected as provided in  
2 section 59.020, before entering upon the duties of the

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

3 office as recorder, shall enter into bond to the state, in a  
4 sum set by the county commission [of not less than one  
5 thousand dollars], with sufficient sureties, not less than  
6 two, to be approved by the commission, conditioned for the  
7 faithful performance of the duties enjoined on such person  
8 by law as recorder, and for the delivering up of the  
9 records, books, papers, writings, seals, furniture and  
10 apparatus belonging to the office, whole, safe and  
11 undefaced, to such officer's successor.

12 **2. For a recorder elected after December 31, 2021, the**  
13 **bond shall be no less than five thousand dollars. For a**  
14 **recorder elected before January 1, 2022, the bond shall be**  
15 **no less than one thousand dollars.**

451.040. 1. Previous to any marriage in this state, a  
2 license for that purpose shall be obtained from the officer  
3 authorized to issue the same, and no marriage contracted  
4 shall be recognized as valid unless the license has been  
5 previously obtained, and unless the marriage is solemnized  
6 by a person authorized by law to solemnize marriages.

7 2. Before applicants for a marriage license shall  
8 receive a license, and before the recorder of deeds shall be  
9 authorized to issue a license, the parties to the marriage  
10 shall present an application for the license, duly executed  
11 and signed in the presence of the recorder of deeds or their  
12 deputy **or electronically through an online process.** If an  
13 applicant is unable to sign the application in the presence  
14 of the recorder of deeds as a result of the applicant's  
15 incarceration or because the applicant has been called or  
16 ordered to active military duty out of the state or country,  
17 the recorder of deeds may issue a license if:

18 (1) An affidavit or sworn statement is submitted by  
19 the incarcerated or military applicant on a form furnished

20 by the recorder of deeds which includes the necessary  
21 information for the recorder of deeds to issue a marriage  
22 license under this section. The form shall include, but not  
23 be limited to, the following:

24 (a) The names of both applicants for the marriage  
25 license;

26 (b) The date of birth of the incarcerated or military  
27 applicant;

28 (c) An attestation by the incarcerated or military  
29 applicant that both applicants are not related;

30 (d) The date the marriage ended if the incarcerated or  
31 military applicant was previously married;

32 (e) An attestation signed by the incarcerated or  
33 military applicant stating in substantial part that the  
34 applicant is unable to appear in the presence of the  
35 recorder of deeds as a result of the applicant's  
36 incarceration or because the applicant has been called or  
37 ordered to active military duty out of the state or country,  
38 which will be verified by the professional or official who  
39 directs the operation of the jail or prison or the military  
40 applicant's military officer, or such professional's or  
41 official's designee, and acknowledged by a notary public  
42 commissioned by the state of Missouri at the time of  
43 verification. However, in the case of an applicant who is  
44 called or ordered to active military duty outside Missouri,  
45 **[acknowledgement] acknowledgment** may be obtained by a notary  
46 public who is duly commissioned by a state other than  
47 Missouri or by notarial services of a military officer in  
48 accordance with the Uniform Code of Military Justice at the  
49 time of verification;

50 (2) The completed marriage license application of the  
51 incarcerated or military applicant is submitted which

52 includes the applicant's Social Security number; except  
53 that, in the event the applicant does not have a Social  
54 Security number, a sworn statement by the applicant to that  
55 effect; and

56 (3) A copy of a government-issued identification for  
57 the incarcerated or military applicant which contains the  
58 applicant's photograph. However, in such case the  
59 incarcerated applicant does not have such an identification  
60 because the jail or prison to which he or she is confined  
61 does not issue an identification with a photo his or her  
62 notarized application shall satisfy this requirement.

63 3. Each application for a license shall contain the  
64 Social Security number of the applicant, provided that the  
65 applicant in fact has a Social Security number, or the  
66 applicant shall sign a statement provided by the recorder  
67 that the applicant does not have a Social Security number.  
68 The Social Security number contained in an application for a  
69 marriage license shall be exempt from examination and  
70 copying pursuant to section 610.024. After the receipt of  
71 the application the recorder of deeds shall issue the  
72 license, unless one of the parties withdraws the  
73 application. The license shall be void after thirty days  
74 from the date of issuance.

75 4. Any person violating the provisions of this section  
76 shall be deemed guilty of a misdemeanor.

77 5. Common-law marriages shall be null and void.

78 6. Provided, however, that no marriage shall be deemed  
79 or adjudged invalid, nor shall the validity be in any way  
80 affected for want of authority in any person so solemnizing  
81 the marriage pursuant to section 451.100, if consummated  
82 with the full belief on the part of the persons, so married,

83 or either of them, that they were lawfully joined in  
84 marriage.

85       7. In the event a recorder of deeds utilizes an online  
86 process to accept applications for a marriage license or to  
87 issue a marriage license and the applicants' identity has  
88 not been verified in person, the recorder shall have a two-  
89 step identity verification process or a process that  
90 independently verifies the identity of such applicants.  
91 Such process shall be adopted as part of any electronic  
92 system for marriage licenses if the applicants do not  
93 present themselves to the recorder or his or her designee in  
94 person. It shall be the responsibility of the recorder to  
95 ensure any process adopted to allow electronic application  
96 or issuance of a marriage license verifies the identities of  
97 both applicants. The recorder shall not accept applications  
98 for or issue marriage licenses through the process provided  
99 in this subsection unless at least one of the applicants is  
100 a resident of the county or city not within a county in  
101 which the application was submitted.

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