

ASSEMBLY BILL NO. 204—ASSEMBLYMEN TOLLES; BILBRAY-AXELROD, BUSTAMANTE ADAMS, EDWARDS, FRIERSON, JAUREGUI, JOINER, KRASNER, MILLER, MONROE-MORENO, OHRENSCHALL, OSCARSON, PICKARD, SPIEGEL, TITUS, WHEELER AND YEAGER

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: SENATORS GANSERT; CANNIZZARO, FORD, HARDY, PARKS AND SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—Provides that marriage licenses and certificates of marriage may include the name to be used by each spouse after the marriage. (BDR 11-743)

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; providing that a marriage license and a certificate of marriage may include the name to be used by each spouse after the marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prescribes the form of a marriage license and a certificate of
2 marriage. (NRS 122.050, 122.120) This bill provides that each marriage license and
3 certificate of marriage may contain the names selected for use by each spouse after
4 the marriage. This bill also sets forth the names that each spouse may select for use
5 after the marriage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 122.040 is hereby amended to read as follows:
2 122.040 1. Except as otherwise provided in NRS 122.0615,
3 before persons may be joined in marriage, a license must be



* A B 2 0 4 R 1 *

1 obtained for that purpose from the county clerk of any county in the
2 State. Except as otherwise provided in this subsection, the license
3 must be issued at the county seat of that county. The board of
4 county commissioners:

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

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

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

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

23 (b) A passport.

24 (c) A birth certificate and:

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

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

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

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

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

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

42 3. Except as otherwise provided in subsection 4, the county
43 clerk issuing the license shall require each applicant to answer under
44 oath each of the questions contained in the form of license. The
45 county clerk shall, except as otherwise provided in this subsection,



1 require each applicant to include the applicant's social security
2 number on the affidavit of application for the marriage license. If a
3 person does not have a social security number, the person must state
4 that fact. The county clerk shall not require any evidence to verify a
5 social security number. If any of the information required is
6 unknown to the person, the person must state that the answer is
7 unknown. The county clerk shall not deny a license to an applicant
8 who states that the applicant does not have a social security number
9 or who states that any requested information concerning the
10 applicant's parents is unknown.

11 4. Upon finding that extraordinary circumstances exist which
12 result in only one applicant being able to appear before the county
13 clerk, the county clerk may waive the requirements of subsection 3
14 with respect to the person who is unable to appear before the county
15 clerk, or may refer the applicant to the district court. If the applicant
16 is referred to the district court, the district court may waive the
17 requirements of subsection 3 with respect to the person who is
18 unable to appear before the county clerk. If the district court waives
19 the requirements of subsection 3, the district court shall notify the
20 county clerk in writing. If the county clerk or the district court
21 waives the requirements of subsection 3, the county clerk shall
22 require the applicant who is able to appear before the county clerk
23 to:

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

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

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

40 5. If any of the persons intending to marry are under age and
41 have not been previously married, and if the authorization of a
42 district court is not required, the clerk shall issue the license if the
43 consent of the parent or guardian is:

44 (a) Personally given before the clerk;



1 (b) Certified under the hand of the parent or guardian, attested
2 by two witnesses, one of whom must appear before the clerk and
3 make oath that the witness saw the parent or guardian subscribe his
4 or her name to the annexed certificate, or heard him or her
5 acknowledge it; or

6 (c) In writing, subscribed to and acknowledged before a person
7 authorized by law to administer oaths. A facsimile of the
8 acknowledged writing must be accepted if the original is not
9 available.

10 6. If a parent giving consent to the marriage of a minor
11 pursuant to subsection 5 has a last name different from that of the
12 minor seeking to be married, the county clerk shall accept, as proof
13 that the parent is the legal parent of the minor, a certified copy of the
14 birth certificate of the minor which shows the parent's first and
15 middle name and which matches the first and middle name of the
16 parent on any document listed in subsection 2.

17 7. If the authorization of a district court is required, the county
18 clerk shall issue the license if that authorization is given to the
19 county clerk in writing.

20 8. *At the time of issuance of the license, an applicant or both*
21 *applicants may elect to change the middle name or last name, or*
22 *both, by which an applicant wishes to be known after*
23 *solemnization of the marriage. The first name of each applicant*
24 *selected for use by the applicant after solemnization of the*
25 *marriage must be the same as the first name indicated on the*
26 *proof of the applicant's name submitted pursuant to subsection 2.*
27 *An applicant may change his or her name pursuant to this*
28 *subsection only at the time of issuance of the license. One or both*
29 *applicants may adopt:*

30 (a) *As a middle name, one of the following:*

31 (1) *The current last name of the other applicant.*

32 (2) *The last name of either applicant given at birth.*

33 (3) *A hyphenated combination of the current middle name*
34 *and the current last name of either applicant.*

35 (4) *A hyphenated combination of the current middle name*
36 *and the last name given at birth of either applicant.*

37 (b) *As a last name, one of the following:*

38 (1) *The current last name of the other applicant.*

39 (2) *The last name of either applicant given at birth.*

40 (3) *A hyphenated combination of the potential last names*
41 *described in paragraphs (a) and (b).*

42 9. All records pertaining to marriage licenses are public records
43 and open to inspection pursuant to the provisions of NRS 239.010.

44 ~~9.1~~ 10. A marriage license issued on or after July 1, 1987,
45 expires 1 year after its date of issuance.



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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. 3. 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 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 a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person 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 or deputy commissioner of civil marriages, 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



1 of and (witnesses). *After (name)*
 2 *and (name) are joined or rejoined in marriage, as*
 3 *the case may be, (name) wishes to use the name*
 4 *..... (New name) and (name) wishes to use the*
 5 *name (New name) OR The parties have not*
 6 *designated any changes of name at the time of issuance of*
 7 *the marriage license.* (If a male and female person who are
 8 the husband and wife of each other are being rejoined in
 9 marriage pursuant to subsection 2 of NRS 122.020, this
 10 certificate replaces the record of the marriage of the male and
 11 female person who are being rejoined in marriage.)
 12

13
 14 Signature of person performing
 15 (Seal of County Clerk) the marriage
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17
 18 Name under signature typewritten
 19 or printed in black ink
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21
 22 County Clerk
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24
 25 Official title of person performing
 26 the marriage
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 29
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 31 Couple's mailing address
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33 3. All information contained in the certificate of marriage must
 34 be typewritten or legibly printed in black ink, except the signatures.
 35 The signature of the person performing the marriage must be an
 36 original signature.

37 **Sec. 4.** This act becomes effective on January 1, 2018.



