

ASSEMBLY BILL NO. 365—ASSEMBLYWOMEN COHEN; AND SWANK

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marriage.
(BDR 11-1020)

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 for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the following persons to obtain a certificate of
2 permission to perform marriages: (1) any licensed, ordained or appointed minister
3 or other church or religious official authorized to solemnize a marriage; (2) certain
4 notaries public; (3) a temporary replacement for a licensed, ordained or appointed
5 minister or other church or religious official, after receiving a written authorization
6 from the minister or other church or religious official and the county clerk; and (4)
7 any chaplain who is assigned to duty in this State by the Armed Forces of the
8 United States. Existing law also authorizes certain ministers or other church or
9 religious officials or certain notaries public to perform not more than five marriages
10 per year in the county upon receiving a separate written authorization from the
11 county clerk for each marriage performed. (NRS 122.062) **Sections 2, 5, 6 and 8-**
12 **17** of this bill amend existing law to grant the same authorization and
13 responsibilities for performing a marriage to marriage officiants as the statutes do
14 for other authorized persons. **Section 2** defines the term "marriage officiant" as a
15 person, other than a minister, other church or religious official authorized to
16 solemnize a marriage or notary public, who obtains a certificate of permission to
17 perform marriages. **Section 8** prohibits a county clerk from authorizing a marriage



18 officiant to solemnize a marriage unless the county clerk first establishes a course
19 for marriage officiants. **Sections 8 and 9** authorize a county clerk to establish a
20 course for marriage officiants and requires an applicant who desires to be a
21 marriage officiant to successfully complete the course. **Section 9** authorizes
22 a county clerk to charge a fee of not more than \$100 for the course to persons who
23 desire to be a marriage officiant and requires any fees collected to be used only for
24 establishing and maintaining such a course. **Section 10:** (1) provides for the
25 inclusion of marriage officiants who obtain or renew a certificate of permission to
26 perform marriages in the statewide database of certain persons authorized to
27 perform marriages which is maintained by the Secretary of State under existing
28 law; (2) requires marriage officiants to comply with Nevada laws pertaining to
29 persons who perform marriages; and (3) provides for the expiration and revocation
30 of the certificate of permission to perform marriages issued to a marriage officiant.

31 Existing law provides that a certificate of permission to perform marriages
32 expires when: (1) a minister, other person who is authorized to solemnize a
33 marriage or notary public, to whom the certificate has been issued, moves from the
34 county in which his or certificate was issued; (2) a minister or other religious
35 official's authority to solemnize marriages is removed; or (3) the expiration,
36 cancellation, revocation or suspension of an appointment of a notary public. (NRS
37 122.066) **Section 10** provides that if a county clerk establishes a policy providing
38 for the expiration of a certificate of permission to perform marriages, unless certain
39 exceptions apply, any certificate of permission to perform marriages expires 5 years
40 after the date the certificate was issued or renewed. **Section 9** requires all applicants
41 for renewal of a certificate to complete an application and pay to the county clerk a
42 fee of \$25.

43 **Section 3** of this bill authorizes a county clerk to establish a program to provide
44 for a couple who renews their marriage vows to request a certificate of vow
45 renewal from the county clerk. **Section 3** sets forth the requirements for such a
46 request as well as the requirements concerning the contents of such a certificate.
47 Finally, **section 3** prohibits the use of a certificate of vow renewal to establish a
48 record of marriage and exempts such a certificate from any requirement for the
49 retention of records by the office of the county clerk.

50 Existing law provides that a person is guilty of a misdemeanor if he or she
51 performs a marriage and he or she knows that he or she is not lawfully authorized
52 or knows of any legal impediment to the proposed marriage. (NRS 122.260)
53 **Section 17** revises the penalty by providing that such an act is punishable by a civil
54 penalty of not more than \$1,500. **Section 17** also authorizes a board of county
55 commissioners to enact an ordinance delegating to a hearing officer the authority to
56 determine such violations and levy civil penalties for those violations.

57 Under existing law, the county clerk may place an affidavit of application for a
58 marriage license, a certificate of marriage license and a marriage license on a single
59 form, on the reverse of which the county clerk must have printed or stamped
60 instructions for obtaining a certified copy or certified abstract of the certificate of
61 marriage. (NRS 122.055) **Section 7** of this bill requires the county clerk to include
62 on the form certain language that the certificate is not a certified copy. Existing law
63 also requires a person who solemnizes a marriage to give each couple being
64 married a certificate of marriage. **Section 15** clarifies that the certificate the couple
65 receives from the person who solemnizes the marriage is an uncertified copy of a
66 certificate of marriage.

67 Existing law authorizes a board of county commissioners in a county whose
68 population is 700,000 or more (currently Clark County) to adopt an ordinance
69 imposing an additional fee of not more than \$14 for the issuance of a marriage
70 license. If a board of county commissioners adopts such an ordinance: (1) the fee
71 must be deposited in a special revenue fund designated as the fund for the



72 promotion of marriage tourism; (2) money in the fund must be used by the county
73 clerk to promote marriage tourism in the county; and (3) the county clerk is
74 required to submit to the board of county commissioners a report of the projected
75 expenditures of the money in the fund for the following fiscal year. (NRS 246.075)
76 **Section 18** of this bill requires the county clerk to report to the board rather than
77 submitting a report to the board of the projected expenditures of the money in the
78 fund for the following fiscal year.

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

1 **Section 1.** Chapter 122 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Marriage officiant” means a person, other than a*
4 *minister, other church or religious official authorized to solemnize*
5 *a marriage or notary public, who obtains a certificate of*
6 *permission to perform marriages as provided in NRS 122.062 to*
7 *122.073, inclusive.*

8 **Sec. 3.** 1. *A county clerk may, in his or her discretion,*
9 *establish a program to provide for the issuance of a certificate of*
10 *vow renewal. If a county clerk establishes such a program, upon*
11 *the request of a couple who desires to renew their marriage vows,*
12 *the county clerk shall issue a certificate of vow renewal.*

13 2. *The request for a certificate of vow renewal must be made*
14 *on a form prescribed by the county clerk and must include the date*
15 *of the vow renewal and the county in which the vow renewal*
16 *occurred.*

17 3. *The certificate of vow renewal must contain:*

18 (a) *The date of the vow renewal;*

19 (b) *The county in which the vow renewal occurred;*

20 (c) *The name of the persons to whom the certificate of vow*
21 *renewal is issued; and*

22 (d) *A statement that the certificate of vow renewal is not a*
23 *record of marriage.*

24 4. *This section may not be used to establish a record of*
25 *marriage.*

26 5. *A county clerk may charge and collect a fee in the same*
27 *amount as the fee collected for the issuance of a marriage license*
28 *pursuant to NRS 122.060 to cover the cost of preparing the*
29 *certificate furnished pursuant to this section.*

30 6. *Notwithstanding any other provision of law to the contrary,*
31 *a certificate of vow renewal is exempt from any schedule for the*
32 *retention of records that applies to records in the office of the*
33 *county clerk.*



1 **Sec. 4.** NRS 122.001 is hereby amended to read as follows:
2 122.001 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 122.0015, 122.002
4 and 122.006 *and section 2 of this act* have the meanings ascribed to
5 them in those sections.

6 **Sec. 5.** NRS 122.030 is hereby amended to read as follows:
7 122.030 1. With respect to any marriage solemnized before
8 January 1, 1971, the original certificate and records of marriage
9 made by the judge, justice or minister, as prescribed in this chapter,
10 and the record thereof by the recorder of the county, or a copy or
11 abstract of the record certified by the recorder, must be received in
12 all courts and places as presumptive evidence of the fact of the
13 marriage.

14 2. With respect to any marriage solemnized on or after
15 January 1, 1971, the original certificate and records of marriage
16 made by the judge, justice, minister or other church or religious
17 official authorized to solemnize a marriage, notary public,
18 commissioner of civil marriages, ~~or~~ deputy commissioner of civil
19 marriages ~~or~~ *or marriage officiant*, as prescribed in this chapter,
20 and the record thereof by the county recorder or the county clerk, as
21 the case may be, or a copy or abstract of the record certified by the
22 county recorder or the county clerk, as the case may be, must be
23 received in all courts and places as presumptive evidence of the fact
24 of the marriage.

25 **Sec. 6.** NRS 122.050 is hereby amended to read as follows:
26 122.050 The marriage license must contain the name of each
27 applicant as shown in the documents presented pursuant to
28 subsection 2 of NRS 122.040 and must be substantially in the
29 following form:

30
31 MARRIAGE LICENSE
32 (EXPIRES 1 YEAR AFTER ISSUANCE)

33
34 State of Nevada }
35 } ss.
36 County of..... }

37
38 These presents are to authorize any minister, other church
39 or religious official authorized to solemnize a marriage, ~~or~~
40 notary public *or marriage officiant* who has obtained a
41 certificate of permission to perform marriages, any Supreme
42 Court justice, judge of the Court of Appeals or district
43 judge within this State, or justice of the peace within a
44 township wherein the justice of the peace is permitted to
45 solemnize marriages or if authorized pursuant to subsection 3



1 of NRS 122.080, or a municipal judge if authorized pursuant
 2 to subsection 4 of NRS 122.080 or any commissioner of civil
 3 marriages or his or her deputy within a commissioner
 4 township wherein they are permitted to solemnize marriages,
 5 to join in marriage of (City, town or location),
 6 State of State of birth (If not in U.S.A., name of
 7 country); Date of birth Father's name
 8 Father's state of birth (If not in U.S.A., name of country)
 9 Mother's maiden name Mother's state of birth (If
 10 not in U.S.A., name of country) Number of this
 11 marriage (1st, 2nd, etc.) Wife deceased Divorced
 12 Annulled When Where And of
 13 (City, town or location), State of State of birth (If
 14 not in U.S.A., name of country); Date of birth
 15 Father's name Father's state of birth (If not in U.S.A.,
 16 name of country) Mother's maiden name Mother's
 17 state of birth (If not in U.S.A., name of country)
 18 Number of this marriage (1st, 2nd, etc.) Husband
 19 deceased Divorced Annulled When
 20 Where; and to certify the marriage according to law.

21 Witness my hand and the seal of the county, this day
 22 of the month of of the year

23
 24 (Seal) Clerk

25
 26
 27
 28 Deputy clerk

29 **Sec. 7.** NRS 122.055 is hereby amended to read as follows:

30 122.055 1. The county clerk may place the affidavit of
 31 application for a marriage license, the certificate of marriage and the
 32 marriage license on a single form.

33 2. The county clerk shall have printed or stamped on the
 34 reverse of the form:

35 (a) Instructions for obtaining a certified copy or certified
 36 abstract of the certificate of marriage.

37 (b) Language in black ink and at least 16-point bold type in a
 38 font that is easy to read and that is in substantially the following
 39 form:

40
 41 This is *a duplicate of* your certificate. This is not a
 42 certified copy. *After the certificate has been recorded by the*
 43 *county recorder or filed by the county clerk, you may obtain*
 44 *a certified copy.* For name changes and other legal matters,
 45 you will need to obtain a certified copy.



1 3. Nothing may be printed, stamped or written on the reverse
2 of the form other than the instructions and language described in
3 subsection 2 and a time stamp used by the county clerk to signify
4 that the form has been filed.

5 **Sec. 8.** NRS 122.062 is hereby amended to read as follows:

6 122.062 1. Any licensed, ordained or appointed minister or
7 other church or religious official authorized to solemnize a marriage
8 in good standing within his or her church or religious organization,
9 or either of them, incorporated, organized or established in this
10 State, ~~not~~ a notary public appointed by the Secretary of State
11 pursuant to chapter 240 of NRS and in good standing with the
12 Secretary of State, *or a marriage officiant* may join together as
13 husband and wife persons who present a marriage license obtained
14 from any county clerk of the State, if the minister, other church or
15 religious official authorized to solemnize a marriage, ~~not~~ notary
16 public *or marriage officiant* first obtains *or renews* a certificate of
17 permission to perform marriages as provided in NRS 122.062 to
18 122.073, inclusive. The fact that a minister or other church or
19 religious official authorized to solemnize a marriage is retired does
20 not disqualify him or her from obtaining a certificate of permission
21 to perform marriages if, before retirement, the minister or other
22 church or religious official authorized to solemnize a marriage had
23 active charge of a church or religious organization for a period of at
24 least 3 years.

25 2. A temporary replacement for a licensed, ordained or
26 appointed minister or other church or religious official authorized to
27 solemnize a marriage certified pursuant to NRS 122.062 to 122.073,
28 inclusive, may solemnize marriages pursuant to subsection 1 for a
29 period not to exceed 90 days, if the requirements of this subsection
30 are satisfied. The minister or other church or religious official
31 authorized to solemnize a marriage whom he or she temporarily
32 replaces shall provide him or her with a written authorization which
33 states the period during which it is effective, and the temporary
34 replacement shall obtain from the county clerk in the county in
35 which he or she is a temporary replacement a written authorization
36 to solemnize marriage and submit to the county clerk an application
37 fee of \$25.

38 3. Any chaplain who is assigned to duty in this State by the
39 Armed Forces of the United States may solemnize marriages if the
40 chaplain obtains a certificate of permission to perform marriages
41 from the county clerk of the county in which his or her duty station
42 is located. The county clerk shall issue such a certificate to a
43 chaplain upon proof of his or her military status as a chaplain and of
44 his or her assignment.



* A B 3 6 5 R 1 *

1 4. A licensed, ordained or appointed minister, other church or
2 religious official authorized to solemnize a marriage, active or
3 retired, ~~or~~ a notary public *or person who desires to be a marriage*
4 *officiant* may submit to the county clerk in the county in which a
5 marriage is to be performed an application to perform a specific
6 marriage in the county. The application must:

7 (a) Include the full names and addresses of the persons to be
8 married;

9 (b) Include the date and location of the marriage ceremony;

10 (c) Include the information and documents required pursuant to
11 subsection 1 of NRS 122.064; ~~and~~

12 (d) *If the applicant is a person who desires to be a marriage*
13 *officiant, include verification that the applicant has satisfied the*
14 *requirements of paragraph (d) of subsection 1 of NRS 122.064;*
15 *and*

16 (e) Be accompanied by an application fee of \$25.

17 5. A county clerk may grant authorization to perform a specific
18 marriage to a person who submitted an application pursuant to
19 subsection 4 if the county clerk is satisfied that the minister or other
20 church or religious official authorized to solemnize a marriage,
21 whether he or she is active or retired, is in good standing with his or
22 her church or religious organization or, in the case of a notary
23 public, if the notary public is in good standing with the Secretary of
24 State ~~or~~, *or in the case of a person who desires to be a marriage*
25 *officiant, that the person satisfied the requirements of paragraph*
26 *(d) of subsection 1 of NRS 122.064.* The authorization must be in
27 writing and need not be filed with any other public officer. A
28 separate authorization is required for each marriage performed. A
29 person may not obtain more than five authorizations to perform a
30 specific marriage pursuant to this section in any calendar year and
31 must acknowledge that he or she is subject to the jurisdiction of the
32 county clerk with respect to the provisions of this chapter governing
33 the conduct of ministers, other church or religious officials
34 authorized to solemnize a marriage, ~~or~~ notaries public *or*
35 *marriage officiants* to the same extent as if he or she had obtained a
36 certificate of permission to perform marriages.

37 *6. This section must not be construed to allow a county clerk*
38 *to authorize a marriage officiant to solemnize a marriage unless*
39 *the county clerk has established a course for marriage officiants.*

40 **Sec. 9.** NRS 122.064 is hereby amended to read as follows:

41 122.064 1. A certificate of permission to perform marriages
42 *or a renewal of such a certificate* may be obtained only from the
43 county clerk of the county in which the minister, other church or
44 religious official authorized to solemnize a marriage, ~~or~~ notary
45 public *or person who desires to be a marriage officiant* resides,



1 after the filing of a proper application. The initial application *or*
2 *application for renewal* must:

3 (a) Be in writing and be verified by the applicant.

4 (b) If the applicant is a minister or other church or religious
5 official authorized to solemnize a marriage:

6 (1) Include the date of licensure, ordination or appointment
7 of the minister or other church or religious official authorized to
8 solemnize a marriage, and the name of the church or religious
9 organization with which he or she is affiliated; and

10 (2) Be accompanied by one copy of the affidavit of authority
11 to solemnize marriages described in subsection 5.

12 (c) If the applicant is a notary public:

13 (1) Include the date of the appointment of the notary public
14 by the Secretary of State; and

15 (2) Be accompanied by a verification issued by the Secretary
16 of State within the 3 months immediately preceding the date of the
17 application which states that the applicant has been appointed as a
18 notary public by the Secretary of State pursuant to chapter 240 of
19 NRS and is in good standing with the Secretary of State. The county
20 clerk must refuse to issue a certificate of permission if the
21 appointment of the notary public is suspended or revoked and may
22 refuse to issue a certificate of permission if the notary public has
23 committed any violations of chapter 240 of NRS.

24 (d) *If the applicant is not a minister, other church or religious*
25 *official authorized to solemnize a marriage or notary public but a*
26 *person who desires to be a marriage officiant:*

27 (1) *Include an additional fee not to exceed \$100 for a*
28 *course for marriage officiants established by the county clerk; and*

29 (2) *Be accompanied by verification that the applicant*
30 *successfully completed a course for marriage officiants*
31 *established by the county clerk.*

32 (e) Include the social security number of the applicant.

33 ~~(e)~~ (f) Be accompanied by an application fee of \$25.

34 2. To determine the qualifications of any minister, other church
35 or religious official authorized to solemnize a marriage, ~~notary~~
36 public *or person who desires to be a marriage officiant* who has
37 filed an application for a certificate of permission, the county clerk
38 with whom the application has been filed may require:

39 (a) The church or religious organization of the minister or other
40 church or religious official authorized to solemnize a marriage to
41 furnish any evidence which the county clerk considers necessary or
42 helpful.

43 (b) An investigation of the background and present activities of
44 the minister, ~~other~~ *church or religious official* ~~person~~
45 authorized to solemnize a marriage ~~or~~, *notary public or person*



1 *who desires to be a marriage officiant.* The cost of an investigation
2 conducted pursuant to this paragraph must be charged to the
3 applicant.

4 3. In addition to the requirement of good standing, the county
5 clerk shall, before approving an initial application, satisfy himself or
6 herself that:

7 (a) If the applicant is a minister or other church or religious
8 official authorized to solemnize a marriage, the applicant's ministry
9 is one of service to his or her church or religious organization or, in
10 the case of a retired minister or other church or religious official
11 authorized to solemnize a marriage, that his or her active ministry
12 was of such a nature.

13 (b) No certificate previously issued to the applicant has been
14 cancelled for a knowing violation of the laws of this State or of the
15 United States.

16 (c) The applicant has not been convicted of a felony, released
17 from confinement or completed his or her parole or probation,
18 whichever occurs later, within 10 years before the date of the
19 application.

20 4. The county clerk may require any applicant to submit
21 information in addition to that required by this section.

22 5. The affidavit of authority to solemnize marriages required
23 by subparagraph (2) of paragraph (b) of subsection 1 must be in
24 substantially the following form:

25
26 AFFIDAVIT OF AUTHORITY TO
27 SOLEMNIZE MARRIAGES FOR
28 CHURCHES AND RELIGIOUS
29 ORGANIZATIONS
30

31 State of Nevada }
32 } ss.
33 County of }
34

35 The..... (name of church or
36 religious organization) is organized and carries on its work in
37 the State of Nevada. Its active meetings are located
38 at..... (street address, city or
39 town). The..... (name of church or
40 religious organization) hereby finds
41 that..... (name of minister or other
42 person authorized to solemnize marriages) is in good standing
43 and is authorized by the..... (name
44 of church or religious organization) to solemnize a marriage.



1 I am duly authorized by.....
2 (name of church or religious organization) to complete and
3 submit this affidavit.

4
5
6 Signature of Official

7
8
9 Name of Official
10 (type or print name)

11
12
13 Title of Official

14
15 Address

16
17
18 City, State and Zip Code

19
20
21 Telephone Number

22
23 Signed and sworn to (or affirmed) before me this.....
24 day of the month of..... of the year.....

25
26
27 Notary Public for
28 County, Nevada.

29
30 My appointment expires.....
31

32 6. Not later than 30 days after issuing *or renewing* a certificate
33 of permission to perform marriages to a notary public, the county
34 clerk must submit to the Secretary of State the name of the notary
35 public to whom the certificate has been issued.

36 7. If a licensed, ordained or appointed minister , ~~for~~ other
37 church or religious official authorized to solemnize a marriage *or*
38 *marriage officiant* who holds a certificate of permission to perform
39 marriages changes his or her mailing address, the minister , ~~for~~
40 other church or religious official authorized to solemnize a marriage
41 *or marriage officiant* must notify the county clerk who issued the
42 certificate of his or her new mailing address not later than 30 days
43 after the change. If a notary public who holds a certificate of
44 permission to perform marriages changes his or her mailing address,



1 the notary public must submit to the Secretary of State a request for
2 an amended certificate of appointment pursuant to NRS 240.036.

3 **8. *The fees collected by the county clerk pursuant to***
4 ***paragraph (d) of subsection 1 must be deposited in the county***
5 ***treasury to be used for establishing and maintaining a course for***
6 ***marriage officiants.***

7 **Sec. 10.** NRS 122.066 is hereby amended to read as follows:

8 122.066 1. The Secretary of State shall establish and
9 maintain a statewide database of ministers, other church or religious
10 officials authorized to solemnize a marriage, ~~notary~~ notaries public ***or***
11 ***marriage officiants*** who have been issued a certificate of
12 permission to perform marriages ~~or~~ ***or whose certificate has been***
13 ***renewed.*** The database must:

14 (a) Serve as the official list of ministers, other church or
15 religious officials authorized to solemnize a marriage, ~~notary~~ notaries
16 public ***or marriage officiants*** approved to perform marriages in this
17 State;

18 (b) Provide for a single method of storing and managing the
19 official list;

20 (c) Be a uniform, centralized and interactive database;

21 (d) Be electronically secure and accessible to each county clerk
22 in this State;

23 (e) Contain the name, mailing address and other pertinent
24 information of each minister, other church or religious official
25 authorized to solemnize a marriage, ~~notary~~ notary public ***or marriage***
26 ***officiant*** as prescribed by the Secretary of State; and

27 (f) Include a unique identifier assigned by the Secretary of State
28 to each minister, other church or religious official authorized to
29 solemnize a marriage, ~~notary~~ notary public ***or marriage officiant.***

30 2. If the county clerk approves an application for a certificate
31 of permission to perform marriages ~~or~~ ***or for the renewal of a***
32 ***certificate,*** the county clerk shall:

33 (a) Enter all information contained in the application into the
34 electronic statewide database of ministers, other church or religious
35 officials authorized to solemnize a marriage, ~~notary~~ notaries public ***or***
36 ***marriage officiants*** maintained by the Secretary of State not later
37 than 10 days after the certificate of permission to perform marriages
38 ***or the renewal of a certificate*** is approved by the county clerk; and

39 (b) Provide to the Secretary of State all information related to
40 the minister, other church or religious official authorized to
41 solemnize a marriage, ~~notary~~ notary public ***or marriage officiant***
42 pursuant to paragraph (e) of subsection 1.

43 3. Upon approval of an application pursuant to subsection 2,
44 the minister, other church or religious official authorized to
45 solemnize a marriage, ~~notary~~ notary public ***or marriage officiant:***



1 (a) Shall comply with the laws of this State governing the
2 solemnization of marriage and conduct of ministers, other church or
3 religious officials authorized to solemnize a marriage , ~~for~~ notaries
4 public ~~+~~ **or marriage officiants;**

5 (b) Is subject to further review or investigation by the county
6 clerk to ensure that he or she continues to meet the statutory
7 requirements for a person authorized to solemnize a marriage; and

8 (c) Shall provide the county clerk with any changes to his or her
9 status or information, including, without limitation, the address or
10 telephone number of the church or religious organization, if
11 applicable, or any other information pertaining to certification
12 within 30 days after such a change. If a notary public to whom a
13 certificate of permission to perform marriages has been issued **or**
14 **renewed** changes his or her address, the notary public must submit
15 to the Secretary of State a request for an amended certificate of
16 appointment in accordance with NRS 240.036.

17 4. ***In addition to the circumstances set forth in this section in***
18 ***which a certificate of permission to perform marriages is no***
19 ***longer valid or expires, a county clerk may, in his or her***
20 ***discretion, establish a policy providing that a certificate of***
21 ***permission expires 5 years after the date it was issued or renewed.***
22 ***If a county clerk does not establish such a policy, the certificate of***
23 ***permission remains valid unless and until it becomes invalid or***
24 ***expires pursuant to this section.***

25 5. A certificate of permission is valid until:

26 (a) If the certificate is issued to a minister or other church or
27 religious official authorized to solemnize a marriage, the county
28 clerk has received an affidavit of removal of authority to solemnize
29 marriages pursuant to NRS 122.0665 or the certificate of permission
30 is revoked pursuant to NRS 122.068.

31 (b) If the certificate is issued to a notary public, the appointment
32 as a notary public has expired or has been cancelled, revoked or
33 suspended. If, after the expiration of his or her appointment, a
34 notary public receives a new appointment, the notary public may
35 reapply for a certificate of permission to perform marriages . ~~+~~
36 ~~without charge, if the reapplication occurs within 3 months after the~~
37 ~~expiration of the previous notary public appointment.~~

38 ~~5+~~ 6. An affidavit of removal of authority to solemnize
39 marriages that is received pursuant to paragraph (a) of subsection
40 ~~44~~ 5 must be sent to the county clerk within 5 days after the
41 minister or other church or religious official authorized to solemnize
42 a marriage ceased to be a member of the church or religious
43 organization in good standing or ceased to be a minister or other
44 church or religious official authorized to solemnize a marriage for
45 the church or religious organization.



1 ~~16-1~~ 7. If the county clerk in the county where the certificate of
2 permission was issued has reason to believe that:

3 (a) The minister or other church or religious official authorized
4 to solemnize a marriage is no longer in good standing within his or
5 her church or religious organization, or that he or she is no longer a
6 minister or other church or religious official authorized to solemnize
7 a marriage, or that such church or religious organization no longer
8 exists; ~~10-1~~

9 (b) The notary public is no longer in good standing with the
10 Secretary of State or that the appointment of the notary public has
11 expired ~~11-1~~; or

12 (c) *The marriage officiant is no longer in good standing with*
13 *the county clerk,*

14 ↪ the county clerk may require satisfactory proof of the good
15 standing of the minister, other church or religious official authorized
16 to solemnize a marriage , ~~12-1~~ notary public ~~13-1~~ or *marriage*
17 *officiant*. If such proof is not presented within 15 days, the county
18 clerk shall remove the certificate of permission by amending the
19 electronic record of the minister, other church or religious official
20 authorized to solemnize a marriage , ~~14-1~~ notary public or *marriage*
21 *officiant* in the statewide database pursuant to subsection 1.

22 ~~17-1~~ 8. Except as otherwise provided in subsection ~~18-1~~ 9, if any
23 minister or other church or religious official authorized to solemnize
24 a marriage to whom a certificate of permission has been issued
25 severs ties with his or her church or religious organization or moves
26 from the county in which his or her certificate was issued, the
27 certificate shall expire immediately upon such severance or move,
28 and the church or religious organization shall, within 5 days after
29 the severance or move, file an affidavit of removal of authority to
30 solemnize marriages pursuant to NRS 122.0665. If the minister or
31 other church or religious official authorized to solemnize a marriage
32 voluntarily advises the county clerk of the county in which his or
33 her certificate was issued of his or her severance with his or her
34 church or religious organization, or that he or she has moved from
35 the county, the certificate shall expire immediately upon such
36 severance or move without any notification to the county clerk by
37 the church or religious organization.

38 ~~18-1~~ 9. If any minister or other church or religious official
39 authorized to solemnize a marriage, who is retired and to whom a
40 certificate of permission has been issued, moves from the county in
41 which his or her certificate was issued to another county in this
42 State, the certificate remains valid until such time as the certificate
43 otherwise expires or is removed or revoked as prescribed by law.
44 The minister or other church or religious official authorized to
45 solemnize a marriage must provide his or her new address to the



1 county clerk in the county to which the minister or other church or
2 religious official authorized to solemnize a marriage has moved.

3 ~~19.1~~ 10. If any notary public *or marriage officiant* to whom a
4 certificate of permission has been issued *or renewed* moves from
5 the county in which his or her certificate was issued, the certificate
6 shall expire immediately upon such move.

7 ~~110.1~~ 11. The Secretary of State may adopt regulations
8 concerning the creation and administration of the statewide
9 database. This section does not prohibit the Secretary of State from
10 making the database publicly accessible for the purpose of viewing
11 ministers, other church or religious officials who are authorized to
12 solemnize a marriage, ~~10.1~~ notaries public *or marriage officiants* to
13 whom a certificate of permission to perform marriages has been
14 issued *or renewed* in this State.

15 **Sec. 11.** NRS 122.068 is hereby amended to read as follows:

16 122.068 1. Any county clerk who has issued *or renewed* a
17 certificate of permission to perform marriages to a minister, other
18 church or religious official authorized to solemnize a marriage, ~~10.1~~
19 notary public *or marriage officiant* pursuant to NRS 122.062 to
20 122.073, inclusive, may revoke the certificate for good cause shown
21 after a hearing.

22 2. If the certificate of permission to perform marriages of any
23 minister, other church or religious official authorized to solemnize a
24 marriage, ~~10.1~~ notary public *or marriage officiant* is revoked or if
25 the county clerk has received an affidavit of removal of authority to
26 solemnize marriages pursuant to NRS 122.0665, the county clerk
27 shall inform the Secretary of State of that fact, and the Secretary of
28 State shall immediately remove the name of the minister, other
29 church or religious official authorized to solemnize a marriage, ~~10.1~~
30 notary public *or marriage officiant* from the official list contained
31 in the database of ministers, other church or religious officials
32 authorized to solemnize a marriage, ~~10.1~~ notaries public *or*
33 *marriage officiants* and shall notify each county clerk and county
34 recorder in the State of the revocation or removal of authority.

35 **Sec. 12.** NRS 122.071 is hereby amended to read as follows:

36 122.071 Any minister, other church or religious official
37 authorized to solemnize a marriage, ~~10.1~~ notary public *or marriage*
38 *officiant* whose application for a certificate of permission to
39 perform marriages or renewal of such certificate is denied, or whose
40 certificate of permission is revoked, is entitled to judicial review of
41 such action in the district court of the county in which such action
42 was taken.

43 **Sec. 13.** NRS 122.090 is hereby amended to read as follows:

44 122.090 No marriage solemnized before any person professing
45 to be a judge, justice, minister or other church or religious official



1 authorized to solemnize a marriage, notary public *or marriage*
2 *officiant* to whom a certificate of permission to perform marriages
3 *or a renewal of a certificate* has been issued, commissioner of civil
4 marriages or deputy commissioner of civil marriages shall be
5 deemed or adjudged to be void, nor shall the validity thereof be in
6 any way affected on account of any want of jurisdiction or authority,
7 provided it be consummated with a full belief on the part of the
8 persons so married, or either of them, that they have been lawfully
9 joined in marriage.

10 **Sec. 14.** NRS 122.110 is hereby amended to read as follows:
11 122.110 1. In the solemnization of marriage, no particular
12 form is required except that the parties shall declare, in the presence
13 of the justice, judge, minister or other church or religious official
14 authorized to solemnize a marriage, notary public *or marriage*
15 *officiant* to whom a certificate of permission to perform marriages
16 *or a renewal of a certificate* has been issued, justice of the peace,
17 commissioner of civil marriages or deputy commissioner of civil
18 marriages, and the attending witness, that they take each other as
19 husband and wife.

20 2. In every case, there shall be at least one witness present
21 besides the person performing the ceremony.

22 **Sec. 15.** NRS 122.120 is hereby amended to read as follows:
23 122.120 1. After a marriage is solemnized, the person
24 solemnizing the marriage shall give to each couple being married ~~at~~
25 *an uncertified copy of a* certificate of marriage.

26 2. The certificate of marriage must contain the date of birth of
27 each applicant as contained in the form of marriage license pursuant
28 to NRS 122.050. If a male and female person who are the husband
29 and wife of each other are being rejoined in marriage pursuant to
30 subsection 2 of NRS 122.020, the certificate of marriage must state
31 that the male and female person were rejoined in marriage and that
32 the certificate is replacing a record of marriage which was lost or
33 destroyed or is otherwise unobtainable. The certificate of marriage
34 must be in substantially the following form:
35

36 STATE OF NEVADA
37 MARRIAGE CERTIFICATE
38

39 State of Nevada }
40 } ss.
41 County of..... }

42
43 This is to certify that the undersigned,
44 (a minister or other church or religious official authorized to
45 solemnize a marriage, notary public, judge, justice of the



1 peace of County, commissioner of civil
 2 marriages , ~~for~~ deputy commissioner of civil marriages ~~H~~ **or**
 3 **marriage officiant**, as the case may be), did on the
 4 day of the month of of the year, at
 5 (address or church), (city), Nevada, join
 6 or rejoin, as the case may be, in lawful wedlock
 7 (name), of (city), State of, date of birth
 8, and (name), of(city), State of
 9, date of birth, with their mutual consent,
 10 in the presence of and (witnesses). (If a
 11 male and female person who are the husband and wife of
 12 each other are being rejoined in marriage pursuant to
 13 subsection 2 of NRS 122.020, this certificate replaces the
 14 record of the marriage of the male and female person who are
 15 being rejoined in marriage.)
 16

17
 18 Signature of person performing
 19 (Seal of County Clerk) the marriage
 20

21
 22 Name under signature typewritten
 23 or printed in black ink
 24

25
 26 County Clerk
 27

28
 29 Official title of person performing
 30 the marriage
 31

32
 33
 34
 35 Couple's mailing address
 36

37 3. All information contained in the certificate of marriage must
 38 be typewritten or legibly printed in black ink, except the signatures.
 39 The signature of the person performing the marriage must be an
 40 original signature.

41 **Sec. 16.** NRS 122.220 is hereby amended to read as follows:
 42 122.220 1. It is unlawful for any Supreme Court justice,
 43 judge of the Court of Appeals, judge of a district court, justice of the
 44 peace, municipal judge, minister or other church or religious official
 45 authorized to solemnize a marriage, notary public, commissioner of



1 civil marriages , ~~for~~ deputy commissioner of civil marriages *or*
2 *marriage officiant* to join together as husband and wife persons
3 allowed by law to be joined in marriage, until the persons proposing
4 such marriage exhibit to him or her a license from the county clerk
5 as provided by law.

6 2. Any Supreme Court justice, judge of the Court of Appeals,
7 judge of a district court, justice of the peace, municipal judge,
8 minister or other church or religious official authorized to solemnize
9 a marriage, notary public, commissioner of civil marriages , ~~for~~
10 deputy commissioner of civil marriages *or marriage officiant* who
11 violates the provisions of subsection 1 is guilty of a misdemeanor.

12 **Sec. 17.** NRS 122.260 is hereby amended to read as follows:

13 122.260 If any person ~~shall undertake~~ *undertakes* to join
14 others in marriage, knowing that he or she is not lawfully authorized
15 so to do, or knowing of the existence of any legal impediment to the
16 proposed marriage, the person ~~is guilty of a misdemeanor.~~ *shall be*
17 *punished by a civil penalty of not more than \$1,500. A board of*
18 *county commissioners may enact an ordinance delegating to a*
19 *hearing officer the authority to determine violations of this section*
20 *and to levy civil penalties for those violations.*

21 **Sec. 18.** NRS 246.075 is hereby amended to read as follows:

22 246.075 1. In a county whose population is 700,000 or more,
23 the board of county commissioners may impose by ordinance an
24 additional fee of not more than \$14 for the issuance of a marriage
25 license.

26 2. An ordinance adopted pursuant to subsection 1 must include
27 a provision creating a special revenue fund designated as the fund
28 for the promotion of marriage tourism. Any money collected from a
29 fee imposed pursuant to subsection 1 must be paid by the county
30 clerk to the county treasurer, and the county treasurer shall deposit
31 the money received in the fund.

32 3. Any interest earned on money in the fund, after deducting
33 any applicable charges, must be credited to the fund.

34 4. Any money remaining in the fund at the end of a fiscal year
35 must not revert to the county general fund, and the balance in the
36 fund must be carried forward to the next fiscal year.

37 5. The money in the fund:

38 (a) Must be used by the county clerk only to promote wedding
39 tourism in the county.

40 (b) Must not be used to replace or supplant any money available
41 to fund the regular operations of the office of the county clerk.

42 6. If a board of county commissioners adopts an ordinance
43 pursuant to subsection 1, on or before July 1 of each year, the
44 county clerk shall ~~submit~~ *report* to the board of county



1 commissioners ~~to report on~~ the projected expenditures of the money
2 in the fund for the following fiscal year.
3 **Sec. 19.** If, pursuant to NRS 122.066, as amended by section
4 10 of this act, a county clerk establishes a policy providing that a
5 certificate of permission to perform marriages expires 5 years after
6 the certificate of permission is issued or renewed, a certificate of
7 permission issued by the county clerk to a minister or other church
8 or religious official authorized to solemnize a marriage or a notary
9 public before July 1, 2017, expires on June 30, 2022, and may be
10 renewed pursuant to NRS 122.064, as amended by section 9 of this
11 act.
12 **Sec. 20.** This act becomes effective on July 1, 2017.



