

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 1.3, 1.9)

(Reprinted with amendments adopted on April 24, 2023)

SECOND 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 or county recorder 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:

1 Existing law provides that if any information in a certificate of marriage is
2 incorrect, the county clerk or the county recorder may charge and collect from a
3 person certain fees for the preparation of an affidavit of correction and the filing of
4 a corrected certificate of marriage. (NRS 122.135) **Section 1.3** of this bill provides
5 that if a marriage was solemnized in this State and a party to the marriage receives
6 a certified copy of a court order from a court of this State or another state, the
7 District of Columbia or any territory of the United States changing the name of the
8 party, the county clerk shall issue an amended certificate of marriage upon receipt
9 of: (1) a certified copy of the original certificate of marriage; (2) a certified copy of
10 the court order; (3) a notarized affidavit of amendment executed by the parties to
11 the marriage; and (4) the applicable fees. **Section 1.6** of this bill sets forth the form
12 for any amended certificate of marriage that is issued pursuant to **section 1.3**.

13 If the amended certificate of marriage is issued by a county recorder or county
14 clerk of a county other than the county which issued the marriage license, **section**
15 **1.9** of this bill requires the party requesting the amended certificate of marriage to,
16 within 10 days after receiving a certified copy of the amended certificate, deliver
17 that copy to the county clerk or county recorder, as applicable, of the county where
18 the marriage license was issued. **Section 1.9** also requires the county clerk or



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19 county recorder, as applicable, to then record the certified copy of the amended
20 certificate of marriage.

21 Existing law provides that at the time of issuance of a marriage license, an
22 applicant or both applicants may elect to change the middle name or last name, or
23 both, by which an applicant wishes to be known after solemnization of the
24 marriage. An applicant for a marriage license may change his or her name pursuant
25 to this provision only at the time of issuance of the license. (NRS 122.040) **Section**
26 **2** of this bill eliminates this authority for such a name change at the time of
27 issuance of a marriage license. **Sections 3 and 4** of this bill make conforming
28 changes to the format of marriage licenses and certificates of marriage to account
29 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:

1 **Section 1.** Chapter 122 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this
3 act.

4 **Sec. 1.3. 1.** *If a marriage was solemnized in this State and*
5 *a party to the marriage receives a certified copy of a court order*
6 *from a court of this State or another state, the District of*
7 *Columbia or any territory of the United States changing the name*
8 *of the party, the county clerk shall issue an amended certificate of*
9 *marriage to that party that sets forth the new name of the party,*
10 *upon receipt by the county clerk of:*

- 11 (a) *A certified copy of the original certificate of marriage;*
12 (b) *A certified copy of the court order;*
13 (c) *A notarized affidavit of amendment prepared by the county*
14 *clerk and executed by the parties to the marriage; and*
15 (d) *The fees required pursuant to subsection 2.*

16 2. *The county clerk may charge and collect a fee of not more*
17 *than \$25 for the preparation of the affidavit of amendment*
18 *pursuant to paragraph (c) of subsection 1. The party requesting*
19 *the amended certificate of marriage must also pay any fee*
20 *required pursuant to NRS 246.180 or NRS 247.305, as applicable,*
21 *for the filing or recording of the amended certificate of marriage.*

22 3. *Upon compliance with subsection 1, the county clerk shall*
23 *issue a certified copy of the amended certificate of marriage to the*
24 *parties to the marriage.*

25 4. *The county clerk or county recorder, as applicable, shall*
26 *maintain as a public record the original certificate of marriage*
27 *and the amended certificate of marriage issued pursuant to this*
28 *section.*

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



STATE OF NEVADA
AMENDED CERTIFICATE OF MARRIAGE

State of Nevada }
} ss.
County of..... }

This is to acknowledge that a marriage officiant, did on the..... day of the month of..... of the year....., at..... (address or church),..... (city), Nevada, join 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 at least one witness.

.....
(Seal of County Clerk) Signature of County Clerk

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

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

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

Sec. 1.9. 1. Each party who is issued an amended certificate of marriage pursuant to section 1.3 of this act by a county recorder or county clerk of a county other than the county where the marriage license was issued shall, within 10 days after receiving a certified copy of the amended certificate of marriage, deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the marriage license was issued a certified copy of the amended certificate of marriage required by section 1.3 of this act.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the marriage license was issued a certified copy of



1 *the amended certificate of marriage required by section 1.3 of this*
2 *act.*

3 *2. The certified copy of an amended certificate of marriage*
4 *delivered pursuant to this section must be recorded by the county*
5 *recorder or filed by the county clerk. For the recording or filing of*
6 *a certified copy of an amended certificate of marriage pursuant to*
7 *this section, the county recorder or county clerk is entitled to the*
8 *fees designated in subsection 2 of section 1.3 of this act. All such*
9 *fees must be deposited in the county general fund.*

10 **Sec. 2.** NRS 122.040 is hereby amended to read as follows:

11 122.040 1. Before persons may be joined in marriage, a
12 license must be obtained for that purpose from the county clerk of
13 any county in the State. Except as otherwise provided in this
14 subsection, the license must be issued at the county seat of that
15 county. The board of county commissioners:

16 (a) In a county whose population is 700,000 or more may, at the
17 request of the county clerk, designate not more than five branch
18 offices of the county clerk at which marriage licenses may be
19 issued, if the designated branch offices are located outside of the
20 county seat.

21 (b) In a county whose population is less than 700,000 may, at
22 the request of the county clerk, designate one branch office of the
23 county clerk at which marriage licenses may be issued, if the
24 designated branch office is established in a county office building
25 which is located outside of the county seat.

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

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

34 (b) A passport.

35 (c) A birth certificate and:

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

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

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

43 (d) A military identification card or military dependent
44 identification card issued by any branch of the Armed Forces of the
45 United States.



1 (e) A Certificate of Citizenship, Certificate of Naturalization,
2 Permanent Resident Card or Temporary Resident Card issued by the
3 United States Citizenship and Immigration Services of the
4 Department of Homeland Security.

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

8 3. Except as otherwise provided in subsection 4, the county
9 clerk issuing the license shall require each applicant to answer under
10 oath each of the questions contained in the form of license. The
11 county clerk shall, except as otherwise provided in this subsection,
12 require each applicant to include the applicant's social security
13 number on the affidavit of application for the marriage license. If a
14 person does not have a social security number, the person must state
15 that fact. The county clerk shall not require any evidence to verify a
16 social security number. If any of the information required is
17 unknown to the person, the person must state that the answer is
18 unknown. The county clerk shall not deny a license to an applicant
19 who states that the applicant does not have a social security number
20 or who states that any requested information concerning the
21 applicant's parents is unknown.

22 4. Upon finding that extraordinary circumstances exist which
23 result in only one applicant being able to appear before the county
24 clerk, the county clerk may waive the requirements of subsection 3
25 with respect to the person who is unable to appear before the county
26 clerk, or may refer the applicant to the district court. If the applicant
27 is referred to the district court, the district court may waive the
28 requirements of subsection 3 with respect to the person who is
29 unable to appear before the county clerk. If the district court waives
30 the requirements of subsection 3, the district court shall notify the
31 county clerk in writing. If the county clerk or the district court
32 waives the requirements of subsection 3, the county clerk shall
33 require the applicant who is able to appear before the county clerk
34 to:

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

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

44 ↪ If any of the information required on the application is unknown
45 to the person responding to the question, the person must state that



1 the answer is unknown. The county clerk shall not deny a license to
2 an applicant who states that the applicant does not have a social
3 security number or who states that any requested information
4 concerning the parents of either the person who is responding to the
5 question or the person who is unable to appear is unknown.

6 5. When the authorization of a district court is required because
7 the marriage involves a minor, the county clerk shall issue the
8 license if that authorization is given to the county clerk in writing.

9 6. ~~At the time of issuance of the license, an applicant or both~~
10 ~~applicants may elect to change the middle name or last name, or~~
11 ~~both, by which an applicant wishes to be known after solemnization~~
12 ~~of the marriage. The first name of each applicant selected for use by~~
13 ~~the applicant after solemnization of the marriage must be the same~~
14 ~~as the first name indicated on the proof of the applicant's name~~
15 ~~submitted pursuant to subsection 2. An applicant may change his or~~
16 ~~her name pursuant to this subsection only at the time of issuance of~~
17 ~~the license. One or both applicants may adopt:~~

18 — (a) As a middle name, one of the following:

19 — (1) The current last name of the other applicant.

20 — (2) The last name of either applicant given at birth.

21 — (3) A hyphenated combination of the current middle name
22 and the current last name of either applicant.

23 — (4) A hyphenated combination of the current middle name
24 and the last name given at birth of either applicant.

25 — (b) As a last name, one of the following:

26 — (1) The current last name of the other applicant.

27 — (2) The last name of either applicant given at birth.

28 — (3) A hyphenated combination of the potential last names
29 described in paragraphs (a) and (b).

30 — 7.] All records pertaining to marriage licenses are public
31 records and open to inspection pursuant to the provisions of
32 NRS 239.010.

33 ~~[8.]~~ 7. A marriage license issued on or after July 1, 1987,
34 expires 1 year after its date of issuance.

35 **Sec. 3.** NRS 122.050 is hereby amended to read as follows:

36 122.050 The marriage license must contain the name of each
37 applicant as shown in the documents presented pursuant to
38 subsection 2 of NRS 122.040 . ~~[and the name, if any, selected by~~
39 ~~each applicant for use after the applicants are joined in marriage.]~~

40 The marriage license must be substantially in the following form:



MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
County of } ss.

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.]~~



..... (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.

