

Senate Bill No. 130—Senators Hardy, Lee,
Washington; and Cegavske

CHAPTER.....

AN ACT relating to marriage; revising provisions concerning the application for, issuance of and revocation of certificates of permission to perform marriages; revising provisions certifying the persons who may solemnize a marriage; requiring the Secretary of State to establish a database of persons who may solemnize a marriage; revising provisions governing the validity of a marriage; providing for the revocation of authority of a minister or other person authorized to solemnize a marriage after he is no longer authorized to solemnize marriages by his church or religious organization; revising the contents of a certificate of marriage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 3 of this bill defines the term “other person authorized to solemnize a marriage” as a person, other than a minister, who has been authorized to solemnize a marriage according to the usages of his church or religious organization. **Sections 4 and 6-19** of this bill amend existing law to grant the same rights and responsibilities for solemnizing a marriage to a “person authorized to solemnize a marriage” as the statutes do for a minister. (Chapter 122 of NRS)

Section 4 of this bill creates an affidavit, to be filed with the county clerk, to revoke the authority of a minister or other person authorized to solemnize a marriage if he no longer has the authority to solemnize a marriage within his church or religious organization.

Section 8 of this bill amends existing law to allow a person authorized to solemnize a marriage to: (1) legally join together a husband and wife; and (2) obtain a certificate of permission to perform marriages from a county clerk. **Section 8** also allows a person authorized to solemnize a marriage who resides outside of Nevada to solemnize a marriage in this State under certain circumstances. (NRS 122.062)

Sections 9 and 10 of this bill amend existing law to allow a person, other than a minister, who has been authorized to solemnize a marriage according to the usages of his church or religious organization to apply for a certificate of permission to perform marriages. **Sections 9 and 10** also remove the requirement that the solemnization of marriages be only incidental to the ministry provided to his church or religious organization and requires a new affidavit of authority to solemnize marriages to be submitted with the application for a certificate instead of copies of the denominational standing of the applicant. (NRS 122.064)

Section 11 of this bill requires a minister or other person authorized to solemnize a marriage to: (1) comply with Nevada laws pertaining to persons who solemnize marriages; (2) continue to meet the statutory requirements to solemnize marriages; and (3) update the county clerk of changes in personal information. **Section 11** also: (1) revises existing law to require the affidavit of authority or affidavit of revocation to be filed by the church or religious organization, instead of a written statement filed by a trustee, warden or other responsible person; and (2)



of....., on the..... day of the month
of....., of the year....., to solemnize marriages.

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

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

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

.....
Notary Public for
..... *County, Nevada.*

My appointment expires.....

Sec. 5. NRS 122.002 is hereby amended to read as follows:

122.002 ~~[As used in this chapter, “commissioner]~~
“Commissioner township” means a township whose population is
15,500 or more, as most recently certified by the Governor pursuant
to NRS 360.285, and which is located in a county whose population
is 100,000 or more.

Sec. 6. NRS 122.030 is hereby amended to read as follows:

122.030 1. With respect to any marriage solemnized before
January 1, 1971, the original certificate and records of marriage
made by the judge, justice or minister, as prescribed in this chapter,



and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister **⚔** *or other person authorized to solemnize a marriage*, commissioner of civil marriages or deputy commissioner of civil marriages, as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

Sec. 7. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
 }ss.
County of }

These presents are to authorize any minister *or other person authorized to solemnize a marriage* who has obtained a certificate of permission **⚔** *to perform marriages*, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he 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 deputy within a commissioner township wherein they are permitted to solemnize marriages, 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 Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Wife 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 Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Husband deceased Divorced Annulled When Where; and to certify the marriage according to law.

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

(Seal)

.....
Clerk

.....
Deputy clerk

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

122.062 1. Any licensed , ~~{or}~~ ordained *or appointed* minister *or other person authorized to solemnize a marriage* in good standing within his ~~{denomination, whose denomination, governing body and}~~ church ~~{,}~~ or ~~{any}~~ *religious organization, or either* of them, ~~{are}~~ incorporated , ~~{or}~~ organized or established in this State, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister *or other person authorized to solemnize a marriage* first obtains a certificate of permission to perform marriages as provided in ~~{this section and}~~ NRS ~~{122.064}~~ *122.062* to 122.073, inclusive ~~{,}~~ , *and section 4 of this act*. The fact that a minister *or other person authorized to solemnize a marriage* is retired does not disqualify him from obtaining a certificate of permission to perform marriages if, before his retirement, he had active charge of a ~~{congregation within this State}~~ *church or religious organization* for a period of at least 3 years.

2. A temporary replacement for a licensed , ~~{or}~~ ordained *or appointed* minister *or other person authorized to solemnize a marriage* certified pursuant to ~~{this section and}~~ NRS ~~{122.064}~~ *122.062* to 122.073, inclusive, *and section 4 of this act* may solemnize marriages pursuant to subsection 1 during such time as he may be authorized to do so by the county clerk in the county in which he is a temporary replacement, for a period not to exceed 90 days. The minister *or other person authorized to solemnize a marriage* whom he temporarily replaces shall provide him with a



written authorization which states the period during which it is effective.

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

4. A county clerk may authorize a licensed, ~~or~~ ordained *or appointed* minister *or other person authorized to solemnize a marriage* whose ~~congregation~~ *residence and church or religious organization* is in another state *or who is retired, if his service was as described in subsection 1*, to perform marriages in the county if the county clerk satisfies himself that the minister *or other person authorized to solemnize a marriage* is in good standing with his ~~denomination or~~ church ~~or~~ *or religious organization pursuant to this section*. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. Such a minister *or other person authorized to solemnize a marriage* may perform not more than five marriages in this State in any calendar year ~~and must acknowledge that he is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers or other persons authorized to solemnize a marriage to the same extent as if he were a minister or other person authorized to solemnize a marriage residing in this State.~~

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

122.064 1. A certificate of permission *to perform marriages* may be obtained only from the county clerk of the county in which the minister *or other person authorized to solemnize a marriage* resides, after the filing of a proper application. The initial application must:

(a) Be in writing and be verified by the applicant. ~~or his superior.~~

(b) Include the date of licensure, ~~or~~ ordination ~~or~~ ~~both,~~ *appointment* of the minister ~~or~~ *or other person authorized to solemnize a marriage*, and the name of the ~~denomination, governing body and~~ church ~~or~~ ~~any of them,~~ *religious organization* with which he is affiliated.

(c) Include the social security number of the applicant.

(d) Be accompanied by ~~two copies~~ *one copy* of the ~~denominational standing of the applicant,~~ *affidavit of authority to*



State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

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

.....
Signature of Official

.....
*Name of Official
(type or print name)*

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

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

.....
Notary Public for
..... *County, Nevada.*

My appointment expires.....

Sec. 10. NRS 122.064 is hereby amended to read as follows:
122.064 1. A certificate of permission *to perform marriages* may be obtained only from the county clerk of the county in which the minister *or other person authorized to solemnize a marriage*



resides, after the filing of a proper application. The initial application shall:

(a) Be in writing and verified by the applicant. ~~[or his superior.]~~

(b) Show the date of licensure , ~~[or]~~ ordination ~~[,]~~ or ~~[both,]~~ *appointment of the minister ~~[,]~~ or other person authorized to solemnize a marriage*, and the name of the ~~[denomination, governing body and]~~ church ~~[,]~~ or ~~[any of them,]~~ *religious organization* with which he is affiliated.

(c) Be accompanied by ~~[two copies]~~ *one copy* of the ~~[denominational standing of the applicant,]~~ *affidavit of authority to solemnize marriages described in subsection 5. [one of which the county clerk shall file with the Secretary of State.]*

2. ~~[For the purpose of determining]~~ *To determine* the qualifications of any minister *or other person authorized to solemnize a marriage* who has filed an application for a certificate, the county clerk with whom such application has been filed may require : ~~[that:]~~

(a) The ~~[congregation]~~ *church or religious organization of [such] the minister or other person authorized to solemnize a marriage to* furnish any evidence which the county clerk considers necessary or helpful.

(b) The district attorney and the sheriff to conduct an investigation of the background and present activities of the minister ~~[,]~~ *or other person authorized to solemnize a marriage.*

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

(a) The applicant's ministry is ~~[primarily]~~ one of service to his ~~[congregation]~~ *church* or ~~[denomination, and that his performance of marriages will be incidental to such service,]~~ *religious organization* or, in the case of a retired minister ~~[,]~~ *or other person authorized to solemnize a marriage*, that his active ministry was of such a nature.

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

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

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

5. The affidavit of authority to solemnize marriages must be in substantially the following form:



AFFIDAVIT OF AUTHORITY TO SOLEMNIZE MARRIAGES

State of Nevada }
 }ss.
County of }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town).

The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

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

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number



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

.....
Notary Public for
..... *County, Nevada.*

My appointment expires.....

Sec. 11. NRS 122.066 is hereby amended to read as follows:

122.066 1. *The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:*

- (a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;*
- (b) Provide for a single method of storing and managing the official list;*
- (c) Be a uniform, centralized and interactive database;*
- (d) Be electronically secure and accessible to each county clerk in this State;*
- (e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and*
- (f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.*

2. *If the county clerk approves an application [] for a certificate of permission to perform marriages, he shall [notify the Secretary of State of such approval within 10 days thereafter. After receipt of such notification,] :*

- (a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State [shall immediately certify the name of such minister to each county clerk and county recorder in the State. —2.] not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and*
- (b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.*

3. *Upon approval of an application pursuant to subsection 3, the minister or other person authorized to solemnize a marriage:*



(a) *Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;*

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

(c) *Shall provide the county clerk with any changes to his status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.*

4. A certificate of permission ~~[shall be]~~ *is* valid until the county clerk has received ~~[-]~~:

~~—(a) A written statement that the minister is no longer in good standing within his denomination, signed by a trustee, warden, responsible superior or other officer of such minister's congregation authorized to speak for it; or~~

~~—(b) A written statement that the minister to whom a certificate of permission was granted is no longer a minister, signed by a trustee, warden, responsible superior or other officer of such former minister's congregation authorized to speak for it.~~

~~—3. The written statements required to be sent by a trustee, warden, responsible supervisor or other officer of a congregation]~~ *an affidavit of revocation of authority to solemnize marriages pursuant to section 4 of this act.*

5. *An affidavit of revocation of authority to solemnize marriages that is received* pursuant to subsection ~~[2 shall]~~ *4 must be sent to the county clerk within 5 days* ~~[following the time]~~ *after the minister or other person authorized to solemnize a marriage ceased to be a member of the* ~~[denomination]~~ *church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage* ~~[of the congregation.~~

~~—4.] for the church or religious organization.~~

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister *or other person authorized to solemnize a marriage* is no longer in good standing within his ~~[denomination,]~~ *church or religious organization*, or that he is no longer a minister ~~[-]~~ *or other person authorized to solemnize a marriage*, or that such ~~[denomination]~~ *church or religious organization* no longer exists, ~~[such]~~ *the county clerk may require satisfactory proof of* ~~[such minister's denominational]~~ *the good standing* ~~[-]~~ *of the minister or other person authorized to solemnize a marriage.* If such proof is not



presented within 15 days, the county clerk shall revoke the certificate of permission ~~[and shall so notify the Secretary of State.]~~ *by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.*

~~[5.]~~ 7. If any minister *or other person authorized to solemnize a marriage* to whom a certificate of permission has been issued severs ties with his ~~[congregation]~~ *church or religious organization* or moves from the county in which his certificate was issued, the certificate shall expire immediately upon such severance or move, and the ~~[trustee, warden, responsible superior or other officer of the congregation authorized to speak for it]~~ *church or religious organization* shall, within 5 days ~~[following]~~ *after* the severance or move, ~~[give written notice of the fact of such severance or move to the county clerk who issued the certificate.]~~ *file an affidavit of revocation of authority to solemnize marriages pursuant to section 4 of this act. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his certificate was issued of his severance with his church or religious organization, or that he has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.*

8. *The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.*

Sec. 12. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to *perform marriages to* a minister *or other person authorized to solemnize a marriage pursuant to NRS 122.062 to 122.073, inclusive, and section 4 of this act* may revoke ~~[such]~~ *the* certificate for good cause shown after *a* hearing.

2. If the certificate of *permission to perform marriages of* any minister *or other person authorized to solemnize a marriage* is revoked, the county clerk shall inform the Secretary of State of ~~[such]~~ *that* fact, and the Secretary of State shall immediately remove the name of ~~[such]~~ *the* minister *or other person authorized to solemnize a marriage* from the *official list contained in the database of ministers or other persons authorized to solemnize a*



marriage and shall notify each county clerk and county recorder in the State of ~~[such fact.]~~ *the revocation.*

Sec. 13. NRS 122.071 is hereby amended to read as follows:

122.071 Any minister *or other person authorized to solemnize a marriage* whose application for a certificate of permission *to perform marriages* or renewal *of such certificate* is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

Sec. 14. NRS 122.073 is hereby amended to read as follows:

122.073 Each county clerk may prescribe additional regulations, which shall not conflict with the provisions of this chapter, relating to the issuance and revocation of certificates of permission ~~[]~~ *to perform marriages.*

Sec. 15. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister ~~[]~~ *or other person authorized to solemnize a marriage*, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 16. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister ~~[]~~ *or other person authorized to solemnize a marriage*, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

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

Sec. 17. 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. The certificate of marriage must be in substantially the following form:



Sec. 18. NRS 122.185 is hereby amended to read as follows:

122.185 The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a justice of the peace within a township where such justice of the peace is permitted to perform marriages, or any minister *or other person authorized to solemnize a marriage* of their choice who holds a valid certificate *of permission to perform marriages* within the State , perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage, including any extra charge to be made for solemnizing a marriage after regular working hours in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

Sec. 19. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister ~~[of any religious society or congregation,]~~ *or other person authorized to solemnize a marriage*, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister ~~[]~~ *or other person authorized to solemnize a marriage*, commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.



Sec. 20. 1. This section and sections 1 to 9, inclusive, and 11 to 19, inclusive, of this act become effective on July 1, 2009.

2. Section 9 of this act expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 10 of this act becomes effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.



