

SENATE BILL NO. 279—SENATOR SETTELMEYER

MARCH 16, 2017

Referred to Committee on Judiciary

SUMMARY—Authorizes certain mayors to perform marriages.
(BDR 11-517)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; authorizing a mayor to perform a marriage under certain circumstances; prohibiting a mayor from accepting any fee or anything of value for performing a marriage, except for nonmonetary gifts of nominal value; revising various provisions governing the performance of marriages; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the following persons to perform a marriage: (1) any
2 Supreme Court Justice; (2) a judge of the Court of Appeals; (3) a judge of a district
3 court within this State; (4) any justice of the peace in his or her township if it is not
4 a commissioner township, which is defined as a township whose population is
5 15,000 or more and is located in a county whose population is 100,000 or more
6 (currently Clark and Washoe Counties); (5) certain justices of the peace in a
7 commissioner township; (6) certain municipal judges; (7) any commissioner of
8 civil marriages within his or her county and within a commissioner township
9 therein; and (8) any deputy commissioner of civil marriages within the county of
10 his or her appointment and within a commissioner township therein. (NRS 122.080)
11 **Section 3** of this bill authorizes a mayor to perform a marriage under certain
12 circumstances. Additionally, **section 3** prohibits a mayor from accepting any fee or
13 anything of value for performing a marriage, except for nonmonetary gifts of
14 nominal value, and provides that a mayor who performs a marriage and accepts any
15 fee or anything of value in connection with performing the marriage is guilty of a
16 misdemeanor. **Sections 1, 2 and 4-7** of this bill make conforming changes.



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

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

22
 23
 24 (Seal)

.....
 Clerk

.....
 Deputy clerk

28 **Sec. 3.** NRS 122.080 is hereby amended to read as follows:

29 122.080 1. After receipt of the marriage license previously
 30 issued to persons wishing to be married as provided in NRS 122.040
 31 and 122.050, it is lawful for any justice of the Supreme Court, any
 32 judge of the Court of Appeals, any judge of the district court, any
 33 justice of the peace in his or her township if it is not a commissioner
 34 township, any justice of the peace in a commissioner township if
 35 authorized pursuant to subsection 3, any municipal judge if
 36 authorized pursuant to subsection 4, any commissioner of civil
 37 marriages within his or her county and within a commissioner
 38 township therein, ~~H~~ any deputy commissioner of civil marriages
 39 within the county of his or her appointment and within a
 40 commissioner township therein ~~H~~ *or any mayor if authorized*
 41 *pursuant to subsection 5*, to join together as husband and wife all
 42 persons not prohibited by this chapter.

43 2. This section does not prohibit:

44 (a) A justice of the peace of one township, while acting in the
 45 place and stead of the justice of the peace of any other township,



1 from performing marriage ceremonies within the other township, if
2 such other township is not a commissioner township.

3 (b) A justice of the peace of one township performing marriages
4 in another township of the same county where there is no duly
5 qualified and acting justice of the peace, if such other township is
6 not a commissioner township or if he or she is authorized to perform
7 the marriage pursuant to subsection 3.

8 3. In any calendar year, a justice of the peace may perform not
9 more than 20 marriage ceremonies in commissioner townships if he
10 or she does not accept any fee, gratuity, gift, honorarium or anything
11 of value for or in connection with solemnizing the marriage other
12 than a nonmonetary gift that is of nominal value.

13 4. In any calendar year, a municipal judge may perform not
14 more than 20 marriage ceremonies in this State if he or she does not
15 accept any fee, gratuity, gift, honorarium or anything of value for or
16 in connection with solemnizing the marriage other than a
17 nonmonetary gift that is of nominal value.

18 5. *A mayor of an incorporated city may perform a marriage*
19 *ceremony if he or she is:*

20 (a) *The mayor of a city organized under general law; or*

21 (b) *Authorized by the city council or other governing body of a*
22 *city organized under a special charter.*

23 6. *Any mayor who performs a marriage ceremony shall not*
24 *accept any fee, gratuity, gift, honorarium or anything of value for*
25 *or in connection with solemnizing the marriage other than a*
26 *nonmonetary gift that is of nominal value.*

27 7. Any justice of the peace who performs a marriage ceremony
28 in a commissioner township or any municipal judge *or mayor* who
29 performs a marriage ceremony in this State and who, in violation of
30 this section, accepts any fee, gratuity, gift, honorarium or anything
31 of value for or in connection with solemnizing the marriage is guilty
32 of a misdemeanor.

33 **Sec. 4.** NRS 122.090 is hereby amended to read as follows:

34 122.090 No marriage solemnized before any person professing
35 to be a judge, justice, minister or other church or religious official
36 authorized to solemnize a marriage, notary public to whom a
37 certificate of permission to perform marriages has been issued,
38 commissioner of civil marriages, ~~†~~ deputy commissioner of civil
39 marriages *or mayor* shall be deemed or adjudged to be void, nor
40 shall the validity thereof be in any way affected on account of any
41 want of jurisdiction or authority, provided it be consummated with a
42 full belief on the part of the persons so married, or either of them,
43 that they have been lawfully joined in marriage.



1 **Sec. 5.** NRS 122.110 is hereby amended to read as follows:

2 122.110 1. In the solemnization of marriage, no particular
3 form is required except that the parties shall declare, in the presence
4 of the justice, judge, minister or other church or religious official
5 authorized to solemnize a marriage, notary public to whom a
6 certificate of permission to perform marriages has been issued,
7 justice of the peace, commissioner of civil marriages, ~~or~~ deputy
8 commissioner of civil marriages ~~or~~ **or mayor**, and the attending
9 witness, that they take each other as husband and wife.

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

12 **Sec. 6.** NRS 122.120 is hereby amended to read as follows:

13 122.120 1. After a marriage is solemnized, the person
14 solemnizing the marriage shall give to each couple being married a
15 certificate of marriage.

16 2. The certificate of marriage must contain the date of birth of
17 each applicant as contained in the form of marriage license pursuant
18 to NRS 122.050. If a male and female person who are the husband
19 and wife of each other are being rejoined in marriage pursuant to
20 subsection 2 of NRS 122.020, the certificate of marriage must state
21 that the male and female person were rejoined in marriage and that
22 the certificate is replacing a record of marriage which was lost or
23 destroyed or is otherwise unobtainable. The certificate of marriage
24 must be in substantially the following form:

25
26 STATE OF NEVADA
27 MARRIAGE CERTIFICATE
28

29 State of Nevada }
30 } ss.
31 County of..... }
32

33 This is to certify that the undersigned,
34 (a minister or other church or religious official authorized to
35 solemnize a marriage, notary public, judge, justice of the
36 peace of County, commissioner of civil
37 marriages, ~~or~~ deputy commissioner of civil marriages ~~or~~ **or**
38 **mayor**, as the case may be), did on the day of the
39 month of of the year, at (address
40 or church), (city), Nevada, join or rejoin, as the
41 case may be, in lawful wedlock (name), of
42 (city), State of, date of birth,
43 and (name), of(city), State of,
44 date of birth, with their mutual consent, in the
45 presence of and (witnesses). (If a male



1 and female person who are the husband and wife of each
2 other are being rejoined in marriage pursuant to subsection 2
3 of NRS 122.020, this certificate replaces the record of the
4 marriage of the male and female person who are being
5 rejoined in marriage.)

6
7
8 Signature of person performing
9 (Seal of County Clerk) the marriage

10
11
12 Name under signature typewritten
13 or printed in black ink

14
15
16 County Clerk

17
18
19 Official title of person performing
20 the marriage

21
22
23
24
25 Couple's mailing address

26
27 3. All information contained in the certificate of marriage must
28 be typewritten or legibly printed in black ink, except the signatures.
29 The signature of the person performing the marriage must be an
30 original signature.

31 **Sec. 7.** NRS 122.220 is hereby amended to read as follows:

32 122.220 1. It is unlawful for any Supreme Court justice,
33 judge of the Court of Appeals, judge of a district court, justice of the
34 peace, municipal judge, minister or other church or religious official
35 authorized to solemnize a marriage, notary public, commissioner of
36 civil marriages , ~~for~~ deputy commissioner of civil marriages *or*
37 *mayor* to join together as husband and wife persons allowed by law
38 to be joined in marriage, until the persons proposing such marriage
39 exhibit to him or her a license from the county clerk as provided by
40 law.

41 2. Any Supreme Court justice, judge of the Court of Appeals,
42 judge of a district court, justice of the peace, municipal judge,
43 minister or other church or religious official authorized to solemnize
44 a marriage, notary public, commissioner of civil marriages , ~~for~~



- 1 deputy commissioner of civil marriages *or mayor* who violates the
- 2 provisions of subsection 1 is guilty of a misdemeanor.
- 3 **Sec. 8.** This act becomes effective on July 1, 2017.

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