

# SENATE BILL 289

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(PRE-FILED)

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By: **Senator Reilly**

Requested: September 25, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Marriage License Applications and Ceremonies**

3 FOR the purpose of authorizing a party to be married in Anne Arundel County to provide  
4 to the clerk for Anne Arundel County a marriage license application form containing  
5 certain information and the license application payment as directed by the clerk;  
6 requiring that information on a certain marriage license application in Anne Arundel  
7 County be sworn to in a certain manner; authorizing a certain individual in Anne  
8 Arundel County to perform a marriage ceremony through the use of an audiovisual  
9 means of communication if the parties to be married are both physically present at  
10 a single location in Anne Arundel County; requiring an authorized official who  
11 performs a certain marriage ceremony to provide a marriage certificate to certain  
12 married parties in a certain manner; making a stylistic change; defining a certain  
13 term; and generally relating to marriage license applications and ceremonies in Anne  
14 Arundel County.

15 BY repealing and reenacting, with amendments,  
16 Article – Family Law  
17 Section 2–402, 2–406, and 2–409  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

### Article – Family Law

22 2–402.

24 (a) [An] **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 applicant for a license may apply to the clerk only at the office of the clerk during regular  
2 office hours.

3 (b) Except as provided in [subsection] **SUBSECTIONS (d) AND (F)** of this section,  
4 to apply for a license, [1] **ONE** of the parties to be married shall:

5 (1) appear before the clerk and give, under oath, the following information,  
6 which shall be placed on an application form by the clerk:

7 (i) the full name of each party;

8 (ii) the place of residence of each party;

9 (iii) the age of each party;

10 (iv) whether the parties are related by blood or marriage and, if so,  
11 in which degree of relationship;

12 (v) the marital status of each party; and

13 (vi) whether either party was married previously, and the date and  
14 place of each death or judicial determination that ended any former marriage;

15 (2) sign the application form; and

16 (3) provide the clerk with the Social Security number of each party who has  
17 a Social Security number.

18 (c) The Social Security numbers of the parties:

19 (1) shall be included in the electronic file for the marriage license  
20 application; and

21 (2) except as provided in § 4–334 of the General Provisions Article, may not  
22 be disclosed as part of the public record of the marriage license application.

23 (d) If the parties to be married are not residents of the county where the marriage  
24 ceremony is to be performed, the clerk shall accept, instead of the application specified in  
25 subsection (b) of this section, an affidavit from 1 of the parties to be married. The affidavit  
26 shall:

27 (1) contain the information required by subsection (b) of this section; and

28 (2) be sworn to under oath before a clerk or other comparable official in the  
29 county, state, province, or country where the party resides.

30 (e) Until a license becomes effective, a clerk may not disclose the fact that an

1 application for a license has been made except to the parent or guardian of a party to be  
2 married.

3 (F) (1) IN THIS SUBSECTION, "VIDEO CONFERENCING" MEANS AN  
4 AUDIOVISUAL MEANS OF COMMUNICATION.

5 (2) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

6 (3) (I) IF A MARRIAGE IS TO BE PERFORMED IN ANNE ARUNDEL  
7 COUNTY, AS AN ALTERNATIVE TO APPEARING BEFORE THE CLERK UNDER  
8 SUBSECTION (B)(1) OF THIS SECTION, A PARTY TO BE MARRIED MAY APPLY TO THE  
9 CLERK FOR ANNE ARUNDEL COUNTY FOR A MARRIAGE LICENSE BY:

10 1. PROVIDING TO THE CLERK A SIGNED MARRIAGE  
11 LICENSE APPLICATION FORM CONTAINING THE INFORMATION REQUIRED BY  
12 SUBSECTION (B) OF THIS SECTION BY MAIL, COURTHOUSE DROP BOX, OR E-MAIL;  
13 AND

14 2. INCLUDING THE LICENSE APPLICATION PAYMENT AS  
15 DIRECTED BY THE CLERK.

16 (II) THE INFORMATION ON AN APPLICATION SUBMITTED UNDER  
17 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE SWORN TO:

18 1. UNDER OATH BEFORE THE CLERK THROUGH THE USE  
19 OF VIDEO CONFERENCING; OR

20 2. IF THE USE OF VIDEO CONFERENCING IS NOT  
21 PRACTICAL UNDER THE CIRCUMSTANCES, IN AN AFFIDAVIT INCLUDED WITH THE  
22 APPLICATION.

23 2-406.

24 (a) (1) In this subsection, "judge" means:

25 (i) a judge of the District Court, a circuit court, the Court of Special  
26 Appeals, or the Court of Appeals;

27 (ii) a judge approved under Article IV, § 3A of the Maryland  
28 Constitution and § 1-302 of the Courts Article for recall and assignment to the District  
29 Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

30 (iii) a judge of a United States District Court, a United States Court  
31 of Appeals, or the United States Tax Court; or

1 (iv) a judge of a state court if the judge is active or retired but eligible  
2 for recall.

3 (2) A marriage ceremony may be performed in this State by:

4 (i) any official of a religious order or body authorized by the rules  
5 and customs of that order or body to perform a marriage ceremony;

6 (ii) any clerk;

7 (iii) any deputy clerk designated by the county administrative judge  
8 of the circuit court for the county; or

9 (iv) a judge.

10 (b) Within 6 months after a license becomes effective, any authorized official may  
11 perform the marriage ceremony of the individuals named in the license.

12 (c) (1) An individual may not perform a marriage ceremony unless the  
13 individual is authorized to perform a marriage ceremony under subsection (a) of this  
14 section.

15 (2) An individual who violates this subsection is guilty of a misdemeanor  
16 and on conviction is subject to a fine of \$500.

17 (d) (1) An individual may not knowingly perform a marriage ceremony  
18 between individuals who are prohibited from marrying under § 2–202 of this title.

19 (2) An individual who violates the provisions of this subsection is guilty of  
20 a misdemeanor and on conviction is subject to a fine of \$500.

21 (e) (1) An individual may not perform a marriage ceremony without a license  
22 that is effective under this subtitle.

23 (2) An individual who violates the provisions of this subsection is guilty of  
24 a misdemeanor and on conviction is subject to a fine not exceeding \$500.

25 (f) The county administrative judge of the circuit court for the county shall  
26 designate:

27 (1) when and where the clerk or deputy clerk may perform a marriage  
28 ceremony; and

29 (2) the form of the marriage ceremony to be recited by the clerk or deputy  
30 clerk and the parties being married.

31 (g) This section does not affect the right of any religious denomination to perform

1 a marriage ceremony in accordance with the rules and customs of the denomination.

2 (H) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

3 (2) AN INDIVIDUAL AUTHORIZED TO PERFORM A MARRIAGE  
4 CEREMONY MAY, FROM A DIFFERENT LOCATION IN ANNE ARUNDEL COUNTY THAN  
5 THE PARTIES TO BE MARRIED, PERFORM A MARRIAGE CEREMONY THROUGH THE  
6 USE OF AN AUDIOVISUAL MEANS OF COMMUNICATION IF THE PARTIES TO BE  
7 MARRIED ARE BOTH PHYSICALLY PRESENT AT A SINGLE LOCATION IN ANNE  
8 ARUNDEL COUNTY.

9 2-409.

10 (a) Each marriage certificate shall contain:

11 (1) the name, signature, and title of the authorized official who performs  
12 the marriage ceremony; or

13 (2) if the individuals are married in a Society of Friends marriage  
14 ceremony, the signatures of the individuals and the attestation of the certificate by 2  
15 overseers of the marriage ceremony.

16 (b) (1) The authorized official who performs the marriage ceremony shall:

17 (i) 1. hand 1 marriage certificate to the individuals; OR

18 2. FOR A MARRIAGE CEREMONY PERFORMED IN  
19 ACCORDANCE WITH THE PROVISIONS OF § 2-406(H)(2) OF THIS SUBTITLE, MAIL,  
20 E-MAIL, OR DELIVER THE MARRIAGE CERTIFICATE TO THE INDIVIDUALS BY  
21 ANOTHER ELECTRONIC FORMAT; and

22 (ii) return, within 5 days from the date of the marriage ceremony,  
23 the other marriage certificate to the clerk who issued the license to which the certificates  
24 were attached, but if the authorized official who performs the marriage ceremony dies or  
25 resigns, some other individual shall return the certificate.

26 (2) If the individuals are married in a Society of Friends marriage  
27 ceremony, they:

28 (i) may keep 1 marriage certificate; and

29 (ii) within 5 days from the date of the marriage ceremony, shall  
30 return the other marriage certificate to the clerk who issued the license to which the  
31 certificates were attached.

32 (c) If the marriage certificate is not returned within 6 months after the date on

1 which the license becomes effective, the clerk who issued the license shall attempt to  
2 determine whether the marriage ceremony was performed and, if so, the name of the  
3 authorized official who performed the marriage ceremony.

4 (d) (1) An individual who performs a marriage ceremony or who is married in  
5 a Society of Friends marriage ceremony may not violate the provisions of subsection  
6 (b)(1)(ii) or (2)(ii) of this section.

7 (2) An individual who violates any provision of this subsection is guilty of  
8 a misdemeanor and on conviction is subject to a fine in an amount that the court considers  
9 appropriate.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2021.