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By: **Delegates Shewell, Bartlett, Cryor, Elliott, Kohl, Krebs, McComas,  
McKee, Quinter, Stocksdale, Stull, and Weldon**

Introduced and read first time: January 19, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Marriage - License Application - Government Issued Photo Identification**  
3 **Card Required**

4 FOR the purpose of requiring a party applying for a marriage license to show the  
5 clerk of court the party's government issued photo identification card; requiring  
6 a party presenting a certain affidavit to the clerk of court under certain  
7 circumstances to show the clerk the party's government issued photo  
8 identification card; requiring each party applying for a marriage license in Cecil  
9 County to show the clerk of court that party's government issued photo  
10 identification card; and generally relating to marriage licenses.

11 BY repealing and reenacting, with amendments,  
12 Article - Family Law  
13 Section 2-402  
14 Annotated Code of Maryland  
15 (2004 Replacement Volume and 2005 Supplement)

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

18 **Article - Family Law**

19 2-402.

20 (a) An applicant for a license may apply to the clerk only at the office of the  
21 clerk during regular office hours.

22 (b) Except as provided in subsections (d) and (e) of this section, to apply for a  
23 license, 1 of the parties to be married shall:

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

26 (i) the full name of each party;

- 1 (ii) the place of residence of each party;
- 2 (iii) the age of each party;
- 3 (iv) whether the parties are related by blood or marriage and, if so,  
4 in which degree of relationship;
- 5 (v) the marital status of each party; and
- 6 (vi) whether either party was married previously, and the date and  
7 place of each death or judicial determination that ended any former marriage;

8 (2) sign the application form; [and]

9 (3) SHOW THE CLERK A GOVERNMENT ISSUED PHOTO IDENTIFICATION  
10 CARD OF THE PARTY APPEARING BEFORE THE CLERK; AND

11 [(3)] (4) provide the clerk with the Social Security number of each party  
12 who has a Social Security number.

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

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

16 (2) except as provided in § 10-617 of the State Government Article, may  
17 not be disclosed as part of the public record of the marriage license application.

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

22 [(1)] (I) contain the information required by subsection (b) of this  
23 section; and

24 [(2)] (II) be sworn to under oath before a clerk or other comparable  
25 official in the county, state, province, or country where the party resides.

26 (2) THE PARTY PRESENTING THE AFFIDAVIT SHALL SHOW THE CLERK A  
27 GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THAT PARTY.

28 (e) (1) In Cecil County both parties to be married shall appear together  
29 before the clerk to apply for a license.

30 (2) EACH PARTY SHALL SHOW THE CLERK THAT PARTY'S GOVERNMENT  
31 ISSUED PHOTO IDENTIFICATION CARD.

32 (f) Until a license becomes effective, a clerk may not disclose the fact that an  
33 application for a license has been made except to the parent or guardian of a party to  
34 be married.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2006.