SENATE BILL 289

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(PRE–FILED)

By: Senator Reilly
Requested: September 25, 2020
Introduced and read first time: January 13, 2021
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Anne Arundel County – Marriage License Applications and Ceremonies

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

BY repealing and reenacting, with amendments,

Article – Family Law
Section 2–402, 2–406, and 2–409
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

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

Article – Family Law

2–402.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
applicant for a license may apply to the clerk only at the office of the clerk during regular office hours.

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

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

(i) the full name of each party;

(ii) the place of residence of each party;

(iii) the age of each party;

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

(v) the marital status of each party; and

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

(2) sign the application form; and

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

(c) The Social Security numbers of the parties:

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

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

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

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

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

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

(F) (1) In this subsection, “video conferencing” means an audiovisual means of communication.

(2) This subsection applies only in Anne Arundel County.

(3) (i) If a marriage is to be performed in Anne Arundel County, as an alternative to appearing before the clerk under subsection (b)(1) of this section, a party to be married may apply to the clerk for Anne Arundel County for a marriage license by:

1. providing to the clerk a signed marriage license application form containing the information required by subsection (b) of this section by mail, courthouse drop box, or e-mail; and

2. including the license application payment as directed by the clerk.

(ii) The information on an application submitted under subparagraph (i) of this paragraph shall be sworn to:

1. under oath before the clerk through the use of video conferencing; or

2. if the use of video conferencing is not practical under the circumstances, in an affidavit included with the application.

(a) (1) In this subsection, “judge” means:

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

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

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

2–406.
SENATE BILL 289

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

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

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

(ii) any clerk;

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

(iv) a judge.

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

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

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

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

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

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

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

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

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

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

(g) This section does not affect the right of any religious denomination to perform
SENATE BILL 289

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

2–409.

(a) Each marriage certificate shall contain:

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

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

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

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

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

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

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

(i) may keep 1 marriage certificate; and

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

(c) If the marriage certificate is not returned within 6 months after the date on
which the license becomes effective, the clerk who issued the license shall attempt to

determine whether the marriage ceremony was performed and, if so, the name of the

authorized official who performed the marriage ceremony.

(d)  (1)  An individual who performs a marriage ceremony or who is married in

a Society of Friends marriage ceremony may not violate the provisions of subsection

(b)(1)(ii) or (2)(ii) of this section.

(2)  An individual who violates any provision of this subsection is guilty of

a misdemeanor and on conviction is subject to a fine in an amount that the court considers

appropriate.

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

October 1, 2021.