

Chapter 540

(House Bill 369)

AN ACT concerning

Marriage Records – Name Change

FOR the purpose of establishing certain procedures for the issuance of a new marriage record when the name of a party to the marriage has been changed; and generally relating to name changes and marriage records.

BY adding to

Article – Family Law

Section 2–504

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

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

Article – Family Law

2–504.

(A) (1) ON WRITTEN REQUEST, MADE UNDER PENALTY OF PERJURY, OF BOTH PARTIES TO A MARRIAGE, THE CLERK FOR THE COUNTY THAT ISSUED THE MARRIAGE LICENSE SHALL ISSUE A NEW MARRIAGE RECORD IN ACCORDANCE WITH THIS SECTION IF THE CLERK RECEIVED SATISFACTORY PROOF THAT A COURT OF COMPETENT JURISDICTION, REGARDLESS OF LOCATION, HAS ISSUED AN ORDER FOR A CHANGE OF NAME FOR A PARTY TO THE MARRIAGE.

(2) ON THE PRESENTATION OF A DEATH CERTIFICATE FOR A PARTY TO A MARRIAGE, THE CLERK FOR THE COUNTY THAT ISSUED THE MARRIAGE LICENSE SHALL ACCEPT A REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM THE OTHER PARTY TO THE MARRIAGE.

(3) ON THE PRESENTATION OF AN ORDER OF THE COURT INSTRUCTING A MARRIAGE RECORD TO BE CHANGED, THE CLERK FOR THE COUNTY THAT ISSUED THE MARRIAGE LICENSE SHALL ACCEPT A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHOUT A WRITTEN REQUEST OF BOTH PARTIES.

(B) (1) A NEW MARRIAGE RECORD ISSUED UNDER THIS SECTION SHALL:

(I) IF THE ORIGINAL MARRIAGE RECORD DESIGNATES THE GENDER OF THE PARTIES, INCLUDING BY USING THE TERMS “BRIDE”, “GROOM”, “WIFE”, OR “HUSBAND”, DESIGNATE THE PARTIES USING GENDER-NEUTRAL LANGUAGE; AND

(II) IF THE NAME OF A PARTY TO THE MARRIAGE HAS BEEN CHANGED AT ANY TIME, REFLECT THE NAME THAT WAS MOST RECENTLY ESTABLISHED AND FOR WHICH A CERTIFIED ORDER OF CHANGE OF NAME OR OTHER APPROPRIATE EVIDENCE HAS BEEN SUBMITTED TO THE CLERK.

(2) A NEW MARRIAGE RECORD ISSUED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT:

(I) BE MARKED “AMENDED”; OR

(II) SHOW ON ITS FACE THAT A CHANGE HAS BEEN MADE TO:

1. A NAME OF A PARTY; OR

2. IF APPLICABLE, A GENDER DESIGNATION.

(C) (1) IF A NEW MARRIAGE RECORD IS ISSUED, THE CLERK SHALL:

(I) SUBSTITUTE THE NEW ELECTRONIC MARRIAGE RECORD ~~FOR ANY PAPER OR ELECTRONIC~~ THE EXISTING MARRIAGE RECORD THEN ON FILE; AND

(II) REPORT AND TRANSMIT A COPY OF THE NEW MARRIAGE RECORD TO THE SECRETARY OF HEALTH IN ACCORDANCE WITH § 2-503 OF THIS TITLE.

(2) AFTER A MARRIAGE RECORD IS CHANGED UNDER THIS SECTION, ANY CERTIFIED COPY OF THE MARRIAGE RECORD THAT IS ISSUED SHALL BE A COPY OF THE NEW MARRIAGE RECORD, UNLESS A COURT OF COMPETENT JURISDICTION ORDERS THE ISSUANCE OF A COPY OF THE ORIGINAL MARRIAGE RECORD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.