

HOUSE BILL 95

D4

(PRE-FILED)

6lr1287
CF SB 355

By: **Delegate Simmons**

Requested: October 22, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2026

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Marriage License Applications – Appearance ~~in Court~~ and**
3 **Affidavits**

4 FOR the purpose of requiring both parties to be married, rather than one party, to appear
5 before the clerk of a circuit court to apply for a marriage license; authorizing the
6 clerk of a circuit court to accept an affidavit rather than an application from both
7 parties to be married in certain circumstances; and generally relating to marriage
8 license applications.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section ~~2-402(b)~~ 2-402
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2025 Supplement)

14 ~~BY repealing and reenacting, without amendments,~~
15 ~~Article – Family Law~~
16 ~~Section 2-402(d)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2019 Replacement Volume and 2025 Supplement)~~

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Family Law

1
2 2–402.

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

5 (b) Except as provided in ~~subsection (d)~~ **SUBSECTIONS (D) AND (E)** of this
6 section, to apply for a license, **[one of the] BOTH** parties to be married shall:

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

9 (i) the full legal name of each party;

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

11 (iii) the date of birth of each party;

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

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

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

17 (2) sign the application form; and

18 (3) provide the clerk with:

19 (i) the Social Security number of each party who has a Social
20 Security number; and

21 (ii) a copy of an official government–issued birth certificate or other
22 official government–issued document or record ~~demonstrating the age~~ **STATING THE DATE**
23 **OF BIRTH** of each party.

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

28 (2) ~~The~~ **AN** affidavit required under paragraph (1) of this subsection shall:

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

3 (ii) be sworn to under oath before a clerk or other comparable official
4 in the county, state, province, or country where ~~the party resides~~ ONE OF THE PARTIES
5 RESIDES.

6 **(E) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF A PARTY TO**
7 **BE MARRIED IS UNABLE TO APPEAR BEFORE A CLERK IN THE COUNTY WHERE THE**
8 **MARRIAGE IS TO BE PERFORMED DUE TO MILITARY SERVICE, HOSPITALIZATION,**
9 **INCARCERATION, OR OTHER GOOD CAUSE SHOWN, THE CLERK MAY ACCEPT,**
10 **INSTEAD OF THE APPLICATION SPECIFIED IN SUBSECTION (B) OF THIS SECTION, AN**
11 **AFFIDAVIT FROM BOTH OF THE PARTIES TO BE MARRIED.**

12 **(2) AN AFFIDAVIT REQUIRED UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION SHALL:**

14 **(I) CONTAIN THE INFORMATION REQUIRED BY SUBSECTION (B)**
15 **OF THIS SECTION;**

16 **(II) STATE THE SPECIFIC REASON THE PARTY IS UNABLE TO**
17 **APPEAR IN PERSON;**

18 **(III) BE SWORN TO UNDER OATH; AND**

19 **(IV) BE COMPLETED ON A FORM PROVIDED BY THE COURT**
20 **ADMINISTRATOR.**

21 **(3) THE CLERK MAY REQUEST ADDITIONAL DOCUMENTATION,**
22 **INCLUDING PROOF OF:**

23 **(I) MILITARY SERVICE;**

24 **(II) HOSPITALIZATION;**

25 **(III) INCARCERATION; OR**

26 **(IV) OTHER GOOD CAUSE.**

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.