

2020 Regular Session

SENATE BILL NO. 305

BY SENATOR PEACOCK

CLERKS OF COURT. Provides for documentation and verification of certain information submitted by applicants for marriage licenses. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 9:223(A), 224(A), (B), (D), and (E), 225, 226(A) through (C),

3 and 228, and to repeal R.S. 9:223(B), 224(C), 226(D), and 227, relative to marriage

4 licenses; to provide for the application for a marriage license; to provide for the

5 application form; to provide for required information; to provide for required

6 documentation; to provide with respect to the use of birth certificates in the process

7 of applying for a marriage license; to provide for documentation in lieu of a birth

8 certificate; to provide for court orders; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:223(A), 224(A), (B), (D), and (E), 225, 226(A) through (C), and

11 228 are hereby amended and reenacted to read as follows:

12 §223. Form

13 ~~A~~. An application for a marriage license shall be made on a form provided

14 by ~~Subsection B of this Section~~ **the state registrar of vital records.**

15 * * *

16 §224. Application; information required

17 A. The application for a marriage license provided by R.S. 9:223, and

1 containing all of the following information, shall be sworn to and signed by both
2 ~~parties~~ **applicants** before a notary public, deputy clerk, or deputy registrar:

3 (1) The date and hour of the application.

4 (2) The full name, residence, race, and age of each party **applicant**.

5 (3) The names of the parents of each party **applicant**.

6 (4) The number of former marriages of each party **applicant**, and whether
7 divorced or not.

8 (5) The relationship of each party **applicant** to the other.

9 (6) Each party's **applicant's** social security number, ~~if both parties were born~~
10 ~~in any state or territory of the United States or are naturalized citizens of the United~~
11 ~~States.~~

12 (a) If a party **an applicant** does not have a social security number issued by
13 the United States Social Security Administration ~~because the party is not a citizen~~
14 ~~or a lawful permanent resident of the United States~~, the party **applicant** shall present
15 **a statement that no social security number has been issued to the applicant and**
16 **present** either of the following:

17 (i) A valid and unexpired passport ~~from the country of his birth.~~

18 (ii) An unexpired visa ~~accompanied by a Form I-94 issued by the United~~
19 ~~States.~~

20 **(iii) A certificate of naturalization of the U.S. Citizenship and**
21 **Immigration Authority.**

22 (b) The state registrar of vital records and the officiant shall maintain
23 confidentiality of social security numbers. Notwithstanding the provisions of R.S.
24 44:1 et seq. the clerk of court shall maintain the confidentiality of a party's social
25 security ~~number~~ **numbers** in an application for a marriage license provided a request
26 is made to the clerk in writing ~~by the party~~ at the time of application.

27 (7) An acknowledgment that each party **applicant** is free to marry pursuant
28 to Louisiana law, that the information contained in the application is true and correct,
29 and that each party **applicant** understands that falsification of the application shall

1 constitute the filing of false public records pursuant to R.S. 14:133.

2 B.(1) Both applicants are not required to execute the application at the same
3 time, provided that each applicant executes the application before a notary public as
4 required by R.S. 9:224(A).

5 (2) A member of the armed forces of the United States shall not be required
6 to sign the application required by Subsection A of this Section if the co-applicant
7 attaches a copy of the military identification card of the member. If both applicants
8 are members of the armed forces of the United States, only one applicant shall be
9 required to sign the application, but that applicant shall attach a copy of the military
10 identification card of the co-applicant not signing the application.

11 (3) In the event of extenuating circumstances, and after a finding that the
12 ~~parties~~ **applicants** have complied with all other requirements, for good cause shown,
13 a judge of the First or Second City Courts of the city of New Orleans, a family court
14 judge, a juvenile court judge, a district court judge, a city court judge, or a justice of
15 the peace may order an issuing official within the territorial jurisdiction of his court
16 to issue a marriage license with the notarized signature of only one of the applicants.
17 The written order shall be attached to the marriage application.

18 * * *

19 ~~D.C.~~ Upon request, the state registrar shall provide the information required
20 in this Section to the agency charged with implementing a program of family support
21 in accordance with R.S. 46:236.1.1 which shall maintain the confidentiality of the
22 information.

23 **E.D.(1) In cases wherein the applicants intend to contract a covenant**
24 **marriage, the application for a marriage license must also include the following**
25 **statement completed by at least one of the two applicants:**

26 **"We, [name of intended applicants], do hereby declare our intent to**
27 **contract a Covenant Marriage and, accordingly, have executed a declaration of**
28 **intent attached hereto."**

29 **(2)** The failure of the application to contain the signatures of both ~~parties~~

1 **applicants** shall not affect the validity of the covenant marriage if the declaration of
2 intent and accompanying affidavit have been signed by the ~~parties~~ **applicants**.

3 §225. Documents required; attachments

4 A. An application for a marriage license shall be accompanied by:

5 (1)(a) A certified copy of each ~~party's~~ **applicant's** birth certificate as
6 provided by R.S. 9:226.

7 (b) If the applicant does not have a birth certificate, the applicant shall obtain
8 an order signed by a judge waiving the requirement pursuant to R.S. 9:228.

9 (2) The written consent for a minor to marry, or the court's authorization for
10 the minor to marry, or both, as required by Chapter 6 of Title XV of the Children's
11 Code.*

12 (3) If applicable, the declaration of intent for a covenant marriage, as
13 provided in Part VII of this Chapter.

14 (4) A valid and unexpired driver's license, a government issued identification
15 card, or a valid and unexpired passport ~~from the country of his birth~~ or an unexpired
16 visa ~~accompanied by Form I-94 as issued by the United States~~.

17 B.(1) It shall be unlawful for any officer authorized to issue a marriage
18 license in this state ~~to issue a license to any male or female~~ unless both ~~parties~~
19 **applicants** first present and file with the officer a certified copy of their original
20 birth certificate **or a court order issued pursuant to R.S. 9:228**.

21 (2) A ~~photostatic or photographic~~ reproduction of the certified copy of the
22 birth certificate **or a court order issued pursuant to R.S. 9:228** shall be filed with
23 the officer.

24 §226. Certified copy of birth certificate; translation to English

25 A. ~~A person~~ **An applicant** born in Louisiana shall submit a certified copy of
26 his birth certificate. A short-form birth certification card shall be acceptable as a
27 certified copy of a birth certificate.

28 B. ~~A person~~ **An applicant** born in a state or territory of the United States
29 other than Louisiana shall submit a copy of his birth certificate under the raised seal

1 or stamp of the vital statistics registration authority of his place of birth.

2 C. ~~A person~~ **An applicant** born outside of the United States or territory of the
3 United States shall submit a birth certificate under the seal of the United States or
4 shall submit all of the following:

5 (1)(a) A copy of the ~~person's~~ **applicant's** birth certificate under the raised
6 seal or stamp of the vital statistics registration authority of the person's place of birth.

7 (b) If the birth certificate is not printed in English, the ~~party~~ **applicant** shall
8 submit a translated copy in addition to the copy required by Subparagraph (a) of this
9 Paragraph. The translation shall contain a sworn declaration of the translator that he
10 is fluent in the language of the original birth certificate and of the translation, and
11 that the translation is a true and accurate representation of the original.

12 (2) A valid and unexpired passport or an unexpired visa ~~accompanied by a~~
13 ~~Form I-94 issued by the United States, verifying that the applicant is lawfully in the~~
14 ~~United States.~~

15 * * *

16 §228. Same; court order waiving birth certificate

17 A. In the event of extenuating circumstances, for good cause shown, and after
18 a hearing, which may be held in camera, finding that the ~~parties~~ **applicants** have
19 complied with all other requirements, ~~including presentation of the letter required by~~
20 ~~R.S. 9:227 and other competent evidence that the applicant was born in any state or~~
21 ~~territory of the United States,~~ a judge of the First or Second City Courts of the city
22 of New Orleans, a family court judge, a juvenile court judge, or any district court
23 judge of a parish may order an issuing official within the territorial jurisdiction of his
24 court to issue a marriage license without the applicant **or applicants** submitting a
25 birth certificate. The order need not state the reasons. The written order shall be
26 attached to the marriage application.

27 B. In the event of extenuating circumstances, and for good cause shown, and
28 after a hearing, which may be held in camera, finding that the ~~parties~~ **applicants**
29 have complied with all other requirements, ~~including presentation of the letter~~

1 ~~required by R.S. 9:227 and other competent evidence that the applicant was born in~~
 2 ~~any state or territory of the United States~~; a justice of the peace or city court judge
 3 may order an issuing official within the parish where his court is situated to issue a
 4 marriage license without the applicant **or applicants** submitting a birth certificate.
 5 The order need not state the reasons. The written order shall be attached to the
 6 marriage application.

7 Section 2. R.S. 9:223(B), 224(C), 226(D), and 227 are hereby repealed in their
 8 entirety.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 305 Original

2020 Regular Session

Peacock

Present law provides that an application for marriage be made on the form that is provided for in present law.

Proposed law provides that an application for marriage be made on the form that is provided for by the state registrar of vital records.

Proposed law generally changes the term "party" to "applicant" for purposes of marriage licenses.

Present law provides that an application for marriage contain certain information.

Proposed law removes requirement that an unexpired visa be accompanied by a Form I-94 issued by the United States.

Present law provides that a court order may be issued to waive the requirement for a birth certificate in the issuance of a marriage license.

Proposed law removes the requirement that an applicant provide evidence that the applicant was born in any state or territory of the United States to receive the court order.

Effective August 1, 2020.

(Amends R.S. 9:223(A), 224(A), (B), (D), and (E), 225, 226(A)-(C), and 228; repeals R.S. 9:223(B), 224(C), 226(D), and 227)