



2021 South Dakota Legislature

House Bill 1067

HOUSE JUDICIARY ENGROSSED

Introduced by: **Representative Reimer**

1 **An Act to modify identification requirements for a marriage license and to provide**
 2 **certain provisions for a name change.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 25-1-10.1 be AMENDED.

5 **25-1-10.1. Application for marriage license--Proof of age and identification**
 6 **required.**

7 To obtain a marriage license, each applicant shall sign the application in person in
 8 the presence of the register of deeds or in the presence of a person duly appointed by the
 9 register to act in the register's behalf. Each applicant shall provide valid personal
 10 identification and provide proof of age prior to issuance of the marriage license. Proof of
 11 age may and personal identification shall be satisfied by providing a certified copy of a
 12 birth certificate or any photographic identification which includes the applicant's name and
 13 date of birth. No person may use a power of attorney to obtain a marriage license a valid:

14 (1) Passport;

15 (2) Federal, state, military, or tribal photo identification;

16 (3) ~~Birth-Certified birth~~ certificate, along with a current school or employment photo
 17 ID; or

18 (4) Certified birth certificate, along with a U.S. Department of the Treasury Form 4029
 19 that is completed.

20 On the marriage license application, each applicant shall provide the surname the
 21 applicant shall be known by after the solemnization of the marriage. This choice shall be
 22 indicated on the certificate of marriage and serve as a legal means for a name change.
 23 However, a legal name change may not be obtained under this section if either of the
 24 applicants is changing a first or a middle name or changing a last name to something
 25 other than the applicant's surname, the spouse's surname, or the applicants' hyphenated

- 1 surnames. Additionally, no person may use a power of attorney to obtain a marriage
- 2 license.