

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 43, Page 38, Section 211.462, Line 34,

2 by inserting after all of said line the following:

3 "451.040. 1. Previous to any marriage in this state,  
4 a license for that purpose shall be obtained from the  
5 officer authorized to issue the same, and no marriage  
6 contracted shall be recognized as valid unless the license  
7 has been previously obtained, and unless the marriage is  
8 solemnized by a person authorized by law to solemnize  
9 marriages.

10 2. Before applicants for a marriage license shall  
11 receive a license, and before the recorder of deeds shall be  
12 authorized to issue a license, the parties to the marriage  
13 shall present an application for the license, duly executed  
14 and signed in the presence of the recorder of deeds or their  
15 deputy or electronically through an online process. If an  
16 applicant is unable to sign the application in the presence  
17 of the recorder of deeds as a result of the applicant's  
18 incarceration or because the applicant has been called or  
19 ordered to active military duty out of the state or country,  
20 the recorder of deeds may issue a license if:

21 (1) An affidavit or sworn statement is submitted by  
22 the incarcerated or military applicant on a form furnished  
23 by the recorder of deeds which includes the necessary  
24 information for the recorder of deeds to issue a marriage  
25 license under this section. The form shall include, but not  
26 be limited to, the following:

27           (a) The names of both applicants for the marriage  
28 license;

29           (b) The date of birth of the incarcerated or military  
30 applicant;

31           (c) An attestation by the incarcerated or military  
32 applicant that both applicants are not related;

33           (d) The date the marriage ended if the incarcerated or  
34 military applicant was previously married;

35           (e) An attestation signed by the incarcerated or  
36 military applicant stating in substantial part that the  
37 applicant is unable to appear in the presence of the  
38 recorder of deeds as a result of the applicant's  
39 incarceration or because the applicant has been called or  
40 ordered to active military duty out of the state or country,  
41 which will be verified by the professional or official who  
42 directs the operation of the jail or prison or the military  
43 applicant's military officer, or such professional's or  
44 official's designee, and acknowledged by a notary public  
45 commissioned by the state of Missouri at the time of  
46 verification. However, in the case of an applicant who is  
47 called or ordered to active military duty outside Missouri,  
48 acknowledgment may be obtained by a notary public who is  
49 duly commissioned by a state other than Missouri or by  
50 notarial services of a military officer in accordance with  
51 the Uniform Code of Military Justice at the time of  
52 verification;

53           (2) The completed marriage license application of the  
54 incarcerated or military applicant is submitted which  
55 includes the applicant's Social Security number; except  
56 that, in the event the applicant does not have a Social  
57 Security number, a sworn statement by the applicant to that  
58 effect; and

59           (3) A copy of a government-issued identification for  
60 the incarcerated or military applicant which contains the  
61 applicant's photograph. However, in such case the  
62 incarcerated applicant does not have such an identification  
63 because the jail or prison to which he or she is confined  
64 does not issue an identification with a photo his or her  
65 notarized application shall satisfy this requirement.

66           3. Each application for a license shall contain the  
67 Social Security number of the applicant, provided that the  
68 applicant in fact has a Social Security number, or the  
69 applicant shall sign a statement provided by the recorder  
70 that the applicant does not have a Social Security number.  
71 The Social Security number contained in an application for a  
72 marriage license shall be exempt from examination and  
73 copying pursuant to section 610.024. After the receipt of  
74 the application the recorder of deeds shall issue the  
75 license, unless one of the parties withdraws the  
76 application. The license shall be void after thirty days  
77 from the date of issuance.

78           4. Any person violating the provisions of this section  
79 shall be deemed guilty of a misdemeanor.

80           5. Common-law marriages shall be null and void.

81           6. Provided, however, that no marriage shall be deemed  
82 or adjudged invalid, nor shall the validity be in any way  
83 affected for want of authority in any person so solemnizing  
84 the marriage pursuant to section 451.100, if consummated  
85 with the full belief on the part of the persons, so married,  
86 or either of them, that they were lawfully joined in  
87 marriage.

88           7. In the event a recorder of deeds utilizes an online  
89 process to accept applications for a marriage license or to  
90 issue a marriage license and the applicants' identity has  
91 not been verified in person, the recorder of deeds shall

92 have a two-step identity verification process or a process  
 93 that independently verifies the identity of such  
 94 applicants. Such process shall be adopted as part of any  
 95 electronic system for marriage licenses if the applicants do  
 96 not present themselves to the recorder of deeds or his or  
 97 her designee in person. It shall be the responsibility of  
 98 the recorder of deeds to ensure any process adopted to allow  
 99 electronic application or issuance of a marriage license  
 100 verifies the identities of both applicants. The recorder of  
 101 deeds shall not accept applications for or issue marriage  
 102 licenses through the process provided in this subsection  
 103 unless [both applicants are at least eighteen years of age  
 104 and] at least one of the applicants is a resident of the  
 105 county or city not within a county in which the application  
 106 was submitted.

107 451.080. 1. The recorders of the several counties of  
 108 this state, and the recorder of the city of St. Louis,  
 109 shall, when applied to by any person legally entitled to a  
 110 marriage license, issue the same which may be in the  
 111 following form:

112 State of Missouri )  
 113 )  
 114 ss.  
 115 )  
 116 County of \_\_\_\_\_ )

117 This license authorizes any judge, associate  
 118 circuit judge, licensed or ordained preacher of  
 119 the gospel, or other person authorized under the  
 120 laws of this state, to solemnize marriage between  
 121 A B of \_\_\_\_\_, county of \_\_\_\_\_ and state of  
 122 \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years,  
 123 and C D of \_\_\_\_\_, in the county of \_\_\_\_\_, state  
 124 of \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen  
 125 years.

126 2. [If the man is under eighteen or the woman under  
127 eighteen, add the following:

128 The custodial parent or guardian, as the case may  
129 be, of the said A B or C D (A B or C D, as the  
130 case may require), has given his or her assent to  
131 the said marriage.

132 Witness my hand as recorder, with the seal of  
133 office hereto affixed, at my office, in \_\_\_\_\_,  
134 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, recorder.

135 3.] On which such license the person solemnizing the  
136 marriage shall, within fifteen days after the issuing  
137 thereof, make as near as may be the following return, and  
138 return such license to the officer issuing the same:

139 State of Missouri )  
140 )  
141 ss.  
142 )  
143 County of \_\_\_\_\_ )

144 This is to certify that the undersigned \_\_\_\_\_ did  
145 at \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of  
146 \_\_\_\_\_ A.D. 20\_\_\_\_\_, unite in marriage the above-  
147 named persons.

148 451.090. 1. No recorder shall issue a license  
149 authorizing the marriage of any male or female under  
150 [sixteen] eighteen years of age [nor shall a license be  
151 issued authorizing the marriage of any male or female twenty-  
152 one years of age or older to a male or female under eighteen  
153 years of age].

154 2. [No recorder shall issue a license authorizing the  
155 marriage of any male or female under the age of eighteen  
156 years, except with the consent of his or her custodial

157 parent or guardian, which consent shall be given at the  
158 time, in writing, stating the residence of the person giving  
159 such consent, signed and sworn to before an officer  
160 authorized to administer oaths.

161       3.] The recorder shall state in every license whether  
162 the parties applying for same[, one or either or both of  
163 them,] are of age[, or whether the male is under the age of  
164 eighteen years or the female under the age of eighteen  
165 years, and if the male is under the age of eighteen years or  
166 the female is under the age of eighteen years, the name of  
167 the custodial parent or guardian consenting to such  
168 marriage]. Applicants shall provide proof of age to the  
169 recorder in the form of a certified copy of the applicant's  
170 birth certificate, passport, or other government-issued  
171 identification, which shall then be documented by the  
172 recorder."; and

173       Further amend the title and enacting clause accordingly.