

REMOTE MARRIAGE LICENSES

Voluntary Certification for Remote
Issuance of Marriage Licenses



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Introduction

As part of the 87th Regular Legislative Session, SB 907 passed relating to the application for and issuance of a marriage license through the use of remote technology. The bill provides an amendment to Subchapter A, Chapter 2 of the Family code by adding Section 2.009- **Application For And Issuance Of License Through Remote Technology** and Subchapter C, Chapter 71 of the Government code by adding Section 71.039-**Procedures for Issuance of Marriage License Through Remote Technology**. [SB 907](#)

History **Bill Analysis**

Author's/Sponsor's Statement of Intent

During the COVID-19 pandemic, many county clerk offices closed their doors or imposed restrictions that limited the number of people that could appear in person at one time. While this created a number of challenges, it was particularly problematic for couples that wanted to apply for a marriage license. Current law requires that each person applying for a marriage license must appear before the county clerk. For many people this meant they could not apply for and be issued a marriage license. In essence, if couples could not physically appear before the county clerk, then they could not obtain a marriage license.

SB 907 will allow county clerks to voluntarily become certified to issue marriage licenses to applicants through the use of remote technology. If a county clerk becomes certified, couples will be able to apply for a marriage license using remote technology and they will be considered to have appeared before the county clerk as required by statute. This bill will also allow the certified county clerk to issue marriage licenses to couples through the use of remote technology after they have applied.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 2 (Section 71.039, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 2, Family Code, by adding Section 2.0091, as follows:

Sec. 2.0091. APPLICATION FOR AND ISSUANCE OF LICENSE THROUGH REMOTE TECHNOLOGY. (a) Provides that this section applies only in a county in which the county clerk has been certified by the Texas Judicial Council under Section 71.039, Government Code, to issue a marriage license through the use of remote technology.

(b) Provides that in a county to which this section applies:

(1) a person who applies for a marriage license through the use of remote technology is considered to have appeared before the court for purposes of Subchapter A (Application for Marriage License); and

(2) the county clerk is authorized to issue a marriage license through the use of remote technology only in accordance with the procedures adopted by the Texas Judicial Council under Section 71.039, Government Code.

SECTION 2. Amends Subchapter C, Chapter 71, Government Code, by adding Section 71.039, as follows:

Sec. 71.039. PROCEDURES FOR ISSUANCE OF MARRIAGE LICENSE THROUGH REMOTE TECHNOLOGY. Requires the Texas Judicial Council, in consultation with the Department of State Health Services, to by rule develop and implement a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology in accordance with procedures adopted by the Texas Judicial Council. Requires that the procedures adopted by the Texas Judicial Council ensure sufficient verification of each applicant's age and identity to prevent fraud.

SECTION 3. Requires the Texas Judicial Council, not later than January 1, 2022, to adopt the rules necessary to implement Section 71.039, Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2021.

Texas Judicial Council Rule
Texas Administrative Code

TITLE 1
PART 8
CHAPTER 176

RULE §176.2

ADMINISTRATION
TEXAS JUDICIAL COUNCIL
METHODS FOR THE IMPROVEMENT OF THE
ADMINISTRATION OF JUSTICE
Voluntary Certification for Remote Issuance of Marriage Licenses

(a) A county clerk may apply for certification from the Office of Court Administration to use remote technology to receive applications for marriage licenses from, and to issue marriage licenses to, persons who are not in the county clerk's presence.

(b) The Office of Court Administration must certify a county clerk to issue marriage licenses remotely upon determining the county clerk:

(1) has posted in a prominent location on its website:

(A) contact information for scheduling a meeting through remote technology to apply for a marriage license;

(B) a copy of the marriage license application form required by Section 2.004 of the Family Code; and

(C) a list of the acceptable forms of proof of an applicant's identity and age as specified in Section 2.005 of the Family Code; and

(2) has access to:

(A) remote technology, such as a video teleconferencing system or other service that provides simultaneous, compressed full motion video and interactive communication of image and sound between the clerk, the applicant, any adult who appears on behalf of an absent applicant in accordance with Section 2.006 of the Family Code, and any other person necessary to process the application; and

(B) a method of electronically sending and receiving documents.

(c) A person who appears before a certified county clerk through remote technology fulfills the requirement of Section 2.002(1) of the Family Code.

Procedure for Certification

For certification requested by a County Clerk, the Office of Court Administration (OCA) will:

1. Provide an application and checklist, outlining the requirements of the procedures for obtaining a certificate. The checklist will include the criteria outlined in the rule.
2. If a clerk will be utilizing a vendor to perform remote receipt of an application for a marriage license and for issuance of a marriage license, a demonstration of the product will be provided to OCA to ensure all requirements are met.
3. If a clerk will be developing their own county system for a remote process, the same criteria of a vendor will be applied.
4. Upon determining the system complies with requirements (real-time visual and audio communication, ability to send and receive written documentation, etc.), OCA will issue a certificate to the clerk of the court, approving the system.
5. As vendors are approved to provide the services to the clerk, a list will be maintained by OCA to alleviate the requirement for future demonstration. Once the vendor is on the OCA Approved Vendor list, the clerk will be issued a certificate upon proof of contract/services with the selected vendor.
6. OCA will maintain information and required forms on the website www.txcourts.gov. Forms include an application and checklist.
7. The request for issuance of a certificate should be submitted to: CourtServices@txcourts.gov. Upon approval the Remote Marriage Licenses Certificate will be provided to the requesting clerk electronically, to the email address provided on the application.

Conclusion

The ability for remote acceptance of marriage license applications and remote issuance of marriage license provides the ability for couples to appear remotely, eliminating the need to personally appear before the county clerk. Because this service is not a required option for a clerk to offer, only those clerks who make a request for certification will be issued a certificate.