

SUBJECT: Allowing marriage licenses to be issued through remote technology

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Neave, Swanson, Cook, Frank, Ramos, Talarico, Vasut, Wu
0 nays
1 absent — Leach

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing.

BACKGROUND: Concerns have been raised that closures or capacity restrictions imposed at county clerks offices during the COVID-19 pandemic made it difficult for couples that wanted to apply for a marriage license to do so. It has been suggested that allowing county clerks to issue marriage licenses through the use of remote technology could address this issue.

DIGEST: SB 907 would require the Texas Judicial Council (TJC), in consultation with the Department of State Health Services, by rule to develop and implement a voluntary certification process under which a county clerk could be certified to issue a marriage license to applicants through the use of remote technology. The council would have to adopt procedures for the issuance of such licenses, and the procedures would have to ensure sufficient verification of each applicant's age and identity to prevent fraud.

County clerks who were certified under the process developed by TJC could issue a marriage license through the use of remote technology. In a county whose clerk was certified, a person who applied for a marriage license through the use of remote technology would be considered to have appeared before the court for the purpose of applying for a marriage license, and the county clerk could issue a marriage license via remote technology only in accordance with TJC procedures.

The bill would take effect September 1, 2021, and TJC would have to adopt rules necessary to implement the bill by January 1, 2022.