

HOUSE BILL 323

N2, D4

5lr1746
CF SB 286

By: **Delegate Forbes**

Introduced and read first time: January 10, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 18, 2025

CHAPTER _____

1 AN ACT concerning

2 **Domestic Partnership and Marriage – Required Information**

3 FOR the purpose of clarifying certain requirements for registering a domestic partnership
4 or obtaining a marriage license; requiring a declaration of domestic partnership filed
5 with a register of wills to include the Social Security number of each domestic
6 partner who has a Social Security number; and generally relating to domestic
7 partnership and marriage.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 2–214(a) and (d)
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Family Law
15 Section 2–402
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2024 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



2–214.

(a) (1) Subject to the requirements of paragraph (2) of this subsection, two individuals may register a domestic partnership by filing a declaration of domestic partnership with the register of wills in the county in which the domestic partners are domiciled.

(2) A declaration of domestic partnership filed with the register of wills shall:

(i) Include:

1. The full **LEGAL** name of each domestic partner;
2. The home address of each domestic partner; [and]
3. The [age] **DATE OF BIRTH** of each domestic partner; **AND**
4. **THE SOCIAL SECURITY NUMBER OF EACH PARTY WHO HAS A SOCIAL SECURITY NUMBER;**

(ii) Be signed directly by each party, or by another individual, at the express direction of the party and in the party's presence;

(iii) Be signed in the physical presence of a notary public or before a notary public through communication technology in accordance with Title 18, Subtitle 2 of the State Government Article; and

(iv) Affirm under penalty of perjury that each domestic partner is:

1. At least 18 years old;
2. The sole domestic partner of the other;
3. Not married; and
4. In a committed relationship with the other individual.

(d) (1) The register shall maintain adequate records of declarations of domestic partnership, amendments to declarations of domestic partnership, and termination statements.

(2) Except as provided in [paragraph (3)] **PARAGRAPHS (3) AND (4)** of this subsection, a declaration of domestic partnership filed with a register of wills is a public record.

(3) The register shall deny inspection of the part of a declaration of domestic partnership that contains the home address of either domestic partner.

(4) EXCEPT AS PROVIDED IN § 4-334 OF THE GENERAL PROVISIONS ARTICLE, THE SOCIAL SECURITY NUMBER OF A PARTY MAY NOT BE DISCLOSED AS PART OF THE PUBLIC RECORD OF THE DECLARATION OF DOMESTIC PARTNERSHIP.

Article – Family Law

2-402.

(a) An applicant for a license may apply to the clerk only at the office of the clerk during regular office hours.

(b) Except as provided in subsection (d) of this section, to apply for a license, **[1] ONE** of the parties to be married shall:

(1) appear before the clerk and give, under oath, the following information, which shall be placed on an application form by the clerk:

(i) the full **LEGAL** name of each party;

(ii) the place of residence of each party;

(iii) the **[age] DATE OF BIRTH** of each party;

(iv) whether the parties are related by blood or marriage and, if so, in which degree of relationship;

(v) the marital status of each party; and

(vi) whether either party was married previously, and the date and place of each death or judicial determination that ended any former marriage;

(2) sign the application form; and

(3) provide the clerk with:

(i) the Social Security number of each party who has a Social Security number; and

(ii) a copy of an official government-issued birth certificate or other official government-issued document or record demonstrating the age of each party.

(c) The Social Security numbers of the parties:

(1) shall be included in the electronic file for the marriage license application; and

(2) except as provided in § 4–334 of the General Provisions Article, may not be disclosed as part of the public record of the marriage license application.

(d) (1) If the parties to be married are not residents of the county where the marriage ceremony is to be performed, the clerk shall accept, instead of the application specified in subsection (b) of this section, an affidavit from [1] ONE of the parties to be married.

(2) The affidavit **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall:

[(1)] (I) contain the information required by subsection (b) of this section; and

[(2)] (II) be sworn to under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

(e) Until a license becomes effective, a clerk may not disclose the fact that an application for a license has been made except to the parent or guardian of a party to be married.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.