

FILED FEB 11 1971

See Committee Book, Page 3/24

SENATE FILE **201**

By COMMITTEE ON COUNTY
GOVERNMENT
(Committee on County
Government)

Passed Senate, Date 2-19-71 Passed House, Date 3-29-71
Vote: Ayes 40 Nays 3 Vote: Ayes 68 Nays 20
Approved April 1, 1971

A BILL FOR

1 An Act relating to the issuance of marriage licenses.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section five hundred ninety-five point four
2 (595.4), Code 1971, is amended as follows:

3 595.4 AGE AND QUALIFICATION--VERIFIED APPLICATION--WAITING
4 PERIOD--EXCEPTION. Previous to the issuance of any license
5 to marry, the parties desiring such license shall sign and
6 file a verified application with the clerk of the court which
7 application either may be mailed to the parties at their
8 request or may be signed by them at the office of the clerk
9 of the district court in the county in which the license is
10 to be issued. Such application shall set forth at least one
11 affidavit of some competent and disinterested person stating
12 such facts as to age and qualification of the parties as the
13 clerk may deem necessary to determine the competency of the
14 parties to contract a marriage. Upon the filing of the appli-
15 cation for a license to marry, the clerk of the district court
16 shall file the application in a record kept for that purpose
17 ~~and no license shall be issued until the expiration of three~~
18 ~~days from the date of filing the application.~~ After the
19 ~~expiration of three days from the date of filing the clerk~~
20 ~~shall issue the license to the parties if he is satisfied~~
21 ~~as to the competency of the parties to contract a marriage.~~

22 After expiration of three days from the date of filing
23 the application by the parties, the clerk shall issue the
24 license if he is satisfied as to the competency of the parties
25 to contract a marriage. If the license has not been issued
26 within one year from the date of the application, the appli-
27 cation shall be void and of no effect.

28 A license to marry may be issued prior to the expiration
29 of three days from the date of filing the application for
30 such license in cases of emergency or extraordinary
31 circumstances. An order authorizing the issuance of such
32 license may be granted by a judge of the district court under
33 conditions of emergency or extraordinary circumstances upon
34 application of the parties therefor filed with the clerk of
35 court. No such order may be granted unless the parties have

1 filed an application for a marriage license in a county within
2 the judicial district. An application for such order shall
3 be made on forms furnished by the clerk at the same time the
4 application for the license to marry is made. If after
5 examining the application for the marriage license the clerk
6 is satisfied as to the competency of the parties to contract
7 a marriage, he shall refer the parties to a judge of the
8 district court for action on the application for an order
9 authorizing the issuance of a marriage license prior to
10 expiration of three days from the date of filing the
11 application for the license. The judge shall, if satisfied
12 as to the existence of an emergency or extraordinary
13 circumstances, grant an order authorizing the issuance of
14 a license to marry prior to the expiration of three days from
15 the date of filing the application for the license to marry.
16 The clerk shall issue a license to marry upon presentation
17 by the parties of the order authorizing such license to be
18 issued. A fee of five dollars shall be paid to the clerk
19 at the time the application for the order is made, which fee
20 shall be in addition to the fee prescribed by law for the
21 issuance of a marriage license.

22 Sec. 2. Section six hundred six point fifteen (606.15),
23 subsection twenty-eight (28), Code 1971, is amended by striking
24 such subsection and inserting in lieu thereof the following:

25 28. For issuing marriage licenses, five dollars each,
26 and for issuing an application for an order of the district
27 court authorizing the issuance of a license to marry prior
28 to the expiration of three days from the date of filing the
29 application for the license, five dollars each.

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EXPLANATION

31 This bill would authorize the district court, upon proper
32 application of the parties, to grant an order authorizing
33 the issuance of a license to marry prior to the expiration
34 of three days from the date of filing the application for
35 the license. The court could grant such order if satisfied

S.F. 201 H.F. _____

1 as to the existence of an emergency or extraordinary
2 circumstances. The application for the court order would
3 be filed at the same time as the application for the license.
4 An additional fee of five dollars would be charged for filing
5 the application for the court order waiving the three-day
6 waiting period. Also, there would be a time limit on the
7 application for a marriage license. As the law is now written,
8 the application would be good forever according to an opinion
9 of the Attorney General.

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