

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 429

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S429-ACE-41 [v.3]

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Amends Title [YES]
Second Edition

Date _____, 2025

Senator Everitt

1 moves to amend the bill on page 1, line 3, by inserting the following at the end of the line and
2 before the period:

3 "AND TO REQUIRE THAT ONLY INDIVIDUALS EIGHTEEN YEARS OR OLDER MAY
4 LAWFULLY MARRY";

5
6 and on page 20, lines 28-29, by inserting the following between the lines:

7 "SECTION 19.1.(a) G.S. 51-2 reads as rewritten:

8 "§ 51-2. Lawful age to marry.

9 (a) ~~All~~ Only unmarried persons of 18 years, or older, may lawfully marry.

10 (a1) ~~Persons over 16 years of age and under 18 years of age may marry a person no more~~
11 ~~than four years older, and the register of deeds may issue a license for the marriage, only after~~
12 ~~there has been filed with the register of deeds a certified copy of an order issued by a district~~
13 ~~court authorizing the marriage as provided in G.S. 51-2.1, or a written consent to the marriage,~~
14 ~~said consent having been signed by the appropriate person as follows:~~

15 (1) ~~By a parent having full or joint legal custody of the underage party; or~~

16 (2) ~~By a person, agency, or institution having legal custody or serving as a~~
17 ~~guardian of the underage party.~~

18 ~~Such written consent shall not be required for an emancipated minor if a certificate of~~
19 ~~emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified~~
20 ~~copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed~~
21 ~~with the register of deeds.~~

22 (b) Repealed by Session Laws 2021-119, s. 1, effective August 26, 2021, and applicable
23 to marriage licenses pending or issued on or after that date.

24 (b1) ~~It shall be unlawful for any person under 16 years of age to marry.~~

25 (c) ~~When a license to marry is procured by any person under 18 years of age by fraud or~~
26 ~~misrepresentation, a parent of the underage party, a person, agency, or institution having legal~~
27 ~~custody or serving as a guardian of the underage party, or a guardian ad litem appointed to~~
28 ~~represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to~~
29 ~~annul the marriage."~~

30 SECTION 19.1.(b) G.S. 51-2.1 and G.S. 51-2.2 are repealed.

31 SECTION 19.1.(c) G.S. 51-3 reads as rewritten:

32 "§ 51-3. Want of capacity; void and voidable marriages.



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All marriages between any two persons nearer of kin than first cousins, or between double first cousins, ~~or between a male person under 16 years of age and any female, or between a female person under 16 years of age and any male,~~ or between persons either of whom has a husband or wife living at the time of such marriage, or between persons either of whom is at the time physically impotent, or between persons either of whom is at the time incapable of contracting from want of will or understanding, shall be void. No marriage followed by cohabitation and the birth of issue shall be declared void after the death of either of the parties for any of the causes stated in this section except for bigamy. A marriage contracted under a representation and belief that the female partner to the marriage is pregnant, followed by the separation of the parties within 45 days of the marriage which separation has been continuous for a period of one year, shall be voidable unless a child shall have been born to the parties within 10 lunar months of the date of separation."

SECTION 19.1.(d) G.S. 51-16 reads as rewritten:

"§ 51-16. Form of license.

License shall be in the following or some equivalent form:

To any ordained minister of any religious denomination, minister authorized by a church, any magistrate, or any other person authorized to solemnize a marriage under the laws of this State: A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be written in full) of (here state his residence), aged ____ years (race, as the case may be), the son of (here state the father and mother, if known; state whether they are living or dead, and their residence, if known; if any of these facts are not known, so state), and E.F. (write the name of the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the daughter of (here state names and residences of the parents, if known, as is required above with respect to the ~~man~~). ~~(If either of the parties is under 18 years of age, the license shall here contain the following:)~~ And the written consent of G.H., father (or mother, etc., as the case may be) to the proposed marriage having been filed with me, ~~man~~) and there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within 60 days from the date hereof, to celebrate the proposed marriage at any place within the State. You are required within 10 days after you shall have celebrated such marriage, to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use of any person who shall sue for the same.

Issued this ____ day of ____, ____

____ L.M.

Register of Deeds of ____ County

Every register of deeds shall, at the request of an applicant, designate in a marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican," "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or "other," as the case may be. The certificate shall be filled out and signed by the minister, officer,

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1 or other authorized individual celebrating the marriage, and also be signed by two witnesses
2 present at the marriage, who shall add to their names their place of residence, as follows:

3 I, N.O., an ordained or authorized minister or other authorized individual of (here state to
4 what religious denomination, or magistrate, as the case may be), united in matrimony (here name
5 the parties), the parties licensed above, on the ____ day of _____, ____, at the house of P.R., in
6 (here name the town, if any, the township and county), according to law.

7 _____ N.O.

8 Witness present at the marriage:
9 S.T., of (here give residence)."

10 **SECTION 19.1.(e)** G.S. 51-17 reads as rewritten:

11 **"§ 51-17. Penalty for issuing license unlawfully.**

12 Every register of deeds who knowingly or without reasonable inquiry, personally or by
13 deputy, issues a license for the marriage of any two persons to which there is any lawful
14 impediment, or where either of the persons is under the age of 18 years, ~~without the consent~~
15 ~~required by law~~, shall forfeit and pay two hundred dollars (\$200.00) to any parent, guardian, or
16 other person standing in loco parentis, who sues for the same: Provided, that requiring a party to
17 a proposed marriage to present a certified copy of his or her birth certificate, or a certified copy
18 of his or her birth record in the form of a birth registration card as provided in G.S. 130-102, in
19 accordance with the provisions of G.S. 51-8, shall be considered a reasonable inquiry into the
20 matter of the age of such party."

21 **SECTION 19.1.(f)** This section becomes effective October 1, 2025, and applies to
22 marriages solemnized on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____