

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 95  
Judiciary

(Delegate Simmons)

Judicial Proceedings

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Family Law - Marriage License Applications - Appearance and Affidavits

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This bill, subject to limited exceptions, requires *both* parties to appear before the court clerk to apply for a marriage license, as otherwise specified in statute. If a party to be married is unable to appear before a clerk in the county where the marriage is to be performed due to military service, hospitalization, incarceration, or other good cause shown, the bill authorizes a clerk to accept an affidavit from both parties to be married instead of the marriage license application. An affidavit must (1) contain the information required by a marriage license application; (2) state the specific reason the party is unable to appear in person; (3) be sworn to under oath; and (4) be completed on a form provided by the court administrator. The clerk may request additional documentation, including proof of military service, hospitalization, incarceration, or other good cause. Finally, the bill alters a provision of current law pertaining to situations in which the parties to be married are not residents of the county where the ceremony is to be performed by requiring a clerk to accept (instead of the marriage license application) an affidavit from *both* parties that meets requirements specified in statute.

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**Fiscal Summary**

**State Effect:** The bill does not materially impact the operations or finances of the Judiciary.

**Local Effect:** The bill does not materially impact the operations or finances of the circuit courts.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Statute establishes certain procedures for individuals seeking to obtain a marriage license. In order to apply for a marriage license, *one* of the parties to be married must:

- appear before a court clerk and give, under oath, specified information that must be placed on an application form by the clerk, including (1) the full name of each party; (2) the place of residence of each party; and (3) the date of birth of each party;
- sign the application form; and
- provide the clerk with the Social Security Number of each party who has one and a copy of an official government-issued birth certificate or other official government-issued document or record demonstrating the age of each party.

If the parties to be married are not residents of the county where the marriage ceremony is to be performed, the clerk must accept, instead of the application described above, an affidavit from *one* of the parties to be married. An affidavit must contain the information required in an application and be sworn to under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

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### Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 355 (Senator Ready) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2026  
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