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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 194

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO MARRIAGE LICENSE APPLICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 122, Title 13 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 122. Marriage license application.

4 (a) The marriage license application shall be in the form prescribed and provided by the Department of Health and
5 Social Services and shall be permanently preserved by the issuing officer in the manner as prescribed by the Department of
6 Health and Social Services. The marriage license application shall include the following information and such other
7 information as prescribed by the Department of Health and Social Services: date of application, full name, sex, ~~race~~, Social
8 Security number, birth date and occupation of applicants, names and addresses of parents of applicants, date and place of
9 previous marriages, civil unions, domestic partnerships or other substantially similar legal unions, and termination of
10 previous marriages, civil unions, domestic partnerships or other substantially similar legal unions, place and court where
11 applicants are on probation or parole, if such they be, and time of application.

SYNOPSIS

This Act removes the requirement that applicants for a marriage license state their race as part of the application process. Delaware is one of a small number of states that currently requires this information. In October 2019, the United States District Court for the Eastern District of Virginia ruled that requiring marriage license applicants to provide their race violates the United States Constitution. In Delaware, the Clerks of the Peace, who are the points of data collection, have expressed support for this Act, as has the Office of Vital Statistics in the Department of Health and Social Services. The National Center for Health Statistics ("NCHS") has not requested detailed information from states regarding marriage and divorce since 1996. NCHS only requires states to provide the total number of marriages that occur each month.

Author: Senator Townsend