

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 386**

**Representatives Odioso, Abrams**

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To amend section 3101.05 of the Revised Code to  
require identity verification with photo  
identification when applying for a marriage  
license.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3101.05 of the Revised Code be  
amended to read as follows:

**Sec. 3101.05.** ~~(A)~~(A) (1) The parties to a marriage shall  
make an application for a marriage license. Each of the persons  
seeking a marriage license shall personally appear in the  
probate court within the county where either resides, or, if  
neither is a resident of this state, where the marriage is  
expected to be solemnized. If neither party is a resident of  
this state, the marriage may be solemnized only in the county  
where the license is obtained. Each party shall make application  
and shall state upon oath, the party's name, age, residence,  
place of birth, occupation, father's name, and mother's maiden  
name, if known, and the name of the person who is expected to  
solemnize the marriage. If either party has been previously  
married, the application shall include the names of the parties  
to any previous marriage and of any minor children, and if  
divorced the jurisdiction, date, and case number of the decree.

If either applicant is the age of seventeen years, the judge 22  
shall require the applicants to state that they received 23  
marriage counseling satisfactory to the court. Except as 24  
otherwise provided in this division, the application also shall 25  
include each party's social security number. In lieu of 26  
requiring each party's social security number on the 27  
application, the court may obtain each party's social security 28  
number, retain the social security numbers in a separate record, 29  
and allow a number other than the social security number to be 30  
used on the application for reference purposes. If a court 31  
allows the use of a number other than the social security number 32  
to be used on the application for reference purposes, the record 33  
containing the social security number is not a public record, 34  
except that, in any of the circumstances set forth in divisions 35  
(C) (1) to (5) of section 3101.051 of the Revised Code, the 36  
record containing the social security number shall be made 37  
available for inspection under section 149.43 of the Revised 38  
Code. 39

Immediately upon receipt of an application for a marriage 40  
license, the court shall place the parties' record in a book 41  
kept for that purpose. If the probate judge is satisfied that 42  
there is no legal impediment and if one or both of the parties 43  
are present, the probate judge shall grant the marriage license. 44

If the judge is satisfied from the affidavit of a 45  
reputable physician, clinical nurse specialist, or certified 46  
nurse practitioner in active practice and residing in the county 47  
where the probate court is located, that one of the parties is 48  
unable to appear in court, by reason of illness or other 49  
physical disability, a marriage license may be granted upon 50  
application and oath of the other party to the contemplated 51  
marriage; but in that case the person who is unable to appear in 52

court, at the time of making application for a marriage license, 53  
shall make and file in that court, an affidavit setting forth 54  
the information required of applicants for a marriage license. 55

A probate judge may grant a marriage license under this 56  
section at any time after the application is made. 57

A marriage license issued shall not display the social 58  
security number of either party to the marriage. 59

(2) Each person seeking a marriage license shall present 60  
current and valid documentary proof of identity in the form of 61  
any one of the following: 62

(a) A passport; 63

(b) A license or permit to operate a motor vehicle as 64  
defined under section 4501.01 of the Revised Code; 65

(c) Any government- or school-issued identification card 66  
showing the person's date of birth. 67

(3) Each person seeking a marriage license shall present 68  
documentary proof of age in the form of any one of the 69  
following: 70

~~(1)~~ (a) A copy of a birth record; 71

~~(2)~~ (b) A birth certificate issued by the department of 72  
health, a local registrar of vital statistics, or other public 73  
office charged with similar duties by the laws of another state, 74  
territory, or country; 75

~~(3)~~ (c) A baptismal record showing the person's date of 76  
birth; 77

~~(4)~~ (d) A passport; 78

~~(5)~~ (e) A license or permit to operate a motor vehicle as 79

defined under section 4501.01 of the Revised Code; 80

~~(6)~~ (f) Any government- or school-issued identification 81  
card showing the person's date of birth; 82

~~(7)~~ (g) An immigration record showing the person's date of 83  
birth; 84

~~(8)~~ (h) A naturalization record showing the person's date 85  
of birth; 86

~~(9)~~ (i) A court record or any other document or record 87  
issued by a governmental entity showing the person's date of 88  
birth. 89

(B) An applicant for a marriage license who knowingly 90  
makes a false statement in an application or affidavit 91  
prescribed by this section is guilty of falsification under 92  
section 2921.13 of the Revised Code. 93

(C) No licensing officer shall issue a marriage license if 94  
the officer has not received the application, affidavit, or 95  
other statements prescribed by this section or if the officer 96  
has reason to believe that any of the statements in a marriage 97  
license application or in an affidavit prescribed by this 98  
section are false. 99

(D) Any fine collected for violation of this section shall 100  
be paid to the use of the county together with the costs of 101  
prosecution. 102

**Section 2.** That existing section 3101.05 of the Revised 103  
Code is hereby repealed. 104