

As Reported by the House Judiciary Committee

136th General Assembly

Regular Session

2025-2026

H. B. No. 386

Representatives Odioso, Abrams

Cosponsor: Representative Mathews, A.

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

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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:

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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

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divorced the jurisdiction, date, and case number of the decree. 21
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) <u>(e)</u> A license or permit to operate a motor vehicle as defined under section 4501.01 of the Revised Code;	79 80
(6) <u>(f)</u> Any government- or school-issued identification card showing the person's date of birth;	81 82
(7) <u>(g)</u> An immigration record showing the person's date of birth;	83 84
(8) <u>(h)</u> A naturalization record showing the person's date of birth;	85 86
(9) <u>(i)</u> A court record or any other document or record issued by a governmental entity showing the person's date of birth.	87 88 89
(B) An applicant for a marriage license who knowingly makes a false statement in an application or affidavit prescribed by this section is guilty of falsification under section 2921.13 of the Revised Code.	90 91 92 93
(C) No licensing officer shall issue a marriage license if the officer has not received the application, affidavit, or other statements prescribed by this section or if the officer has reason to believe that any of the statements in a marriage license application or in an affidavit prescribed by this section are false.	94 95 96 97 98 99
(D) Any fine collected for violation of this section shall be paid to the use of the county together with the costs of prosecution.	100 101 102
Section 2. That existing section 3101.05 of the Revised Code is hereby repealed.	103 104