



## 2022 South Dakota Legislature

# House Bill 1268

Introduced by: **Representative Drury**

1 **An Act to revise provisions related to name changes when obtaining a marriage**  
 2 **license.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 25-1-10.1 be AMENDED:**

5 **25-1-10.1.** To obtain a marriage license, each applicant shall sign the marriage  
 6 license application in person in the presence of the register of deeds or in the presence of  
 7 a person duly appointed by the register to act in the register's behalf. Each applicant shall  
 8 provide valid personal identification and provide proof of age ~~prior to~~ before issuance of  
 9 the marriage license. Proof of age and personal identification ~~shall~~ must be satisfied by  
 10 providing a valid:

- 11 (1) Passport;
- 12 (2) Federal, state, military, or tribal photo identification;
- 13 (3) Certified birth certificate, along with a current school or employment photo ID; or
- 14 (4) Certified birth certificate, along with a U.S. Department of the Treasury Form 4029  
 15 that is completed.

16 On the marriage license application, each applicant shall provide the ~~surname~~  
 17 name the applicant shall be known by after the solemnization of the marriage. This choice  
 18 ~~shall~~ must be indicated on the certificate of marriage and serve as a legal means for a  
 19 name change. ~~However, a legal name change may not be obtained under this section if~~  
 20 ~~either of the applicants is changing a first or a middle name or changing a last name to~~  
 21 ~~something other than the applicant's surname, the spouse's surname, or the applicants'~~  
 22 ~~hyphenated surnames. Additionally, no~~ A first name may not be changed under this  
 23 section. A middle name may only be changed if an applicant is changing the applicant's  
 24 surname to become a middle name. A surname may only be changed to adopt the spouse's  
 25 surname or the applicants' hyphenated surnames.

26 No person may use a power of attorney to obtain a marriage license.