

MARRIAGE DEFINITION - IMPACTED SECTIONS

Several states have required the use of gender neutral language when applying laws and regulations to same-sex couples. The statutes listed in the chart provide the topic addressed in each impacted North Dakota Century Code section as well as the exact wording used. The column entitled "Use of 'Spouse'" deciphers whether the current terminology could be replaced with the term "spouse" without causing further legal ramifications or if the language would need to be further amended. Black's Law Dictionary defines "spouse" as a term used to describe a person's husband or wife.

The use of the term "spouse" is used in 17.0203.01000 to remain consistent with the terminology used throughout the code. Amending the language to use the term "spouse" is purely linguistic and does not have any legal impact on the statutes.

Section	Topic	Current Terminology	Use of "Spouse"
1-04-12	Deed to property	Husband and wife, married man or woman	No change necessary
9-03-05	Definition of duress	Husband or wife	No change necessary
9-03-06	Definition of menace	Husband or wife	No change necessary
12.1-23-09(1)	Defenses and proof as to theft and related offenses	Defines "spouse" as husband and wife	Further clarification needed
13-04.1-09.2(6)	Maximum charges for loans under \$1,000	Husband and wife	Further clarification needed
14-02-07	Force to protect	Husband, wife	No change necessary
14-02.1-03	Consent to abortion	Husband	Use of "spouse" may have further ramifications based on biology
14-03-01	Definition of spouse	Person of the opposite sex who is a husband and wife	Further clarification needed
14-03-01.1	Members of armed forces as residents	Husband, wife	No change necessary
14-03-06	Exception to marriage of person having husband or wife	Husband, wife	No change necessary
14-03-08	Recognition of foreign marriages	One man and one woman as husband and wife	Further clarification needed
14-04-01	Annulment of marriage	Husband or wife	No change necessary
14-04-02	Action to annul	Husband or wife	No change necessary
14-05-04	Adultery defined	Husband or wife	No change necessary
14-05-06	Divorce-desertion defined	Husband and wife	Further clarification needed
14-05-18	Divorce-domicile	Husband and wife	No legal impact
14-05-20	Legitimacy of children	Husband, wife	No change necessary
14-05-21	Legitimacy of children	Husband, wife	No change necessary
14-07-01	Mutual obligations	Husband and wife	Further clarification needed
14-07-03	Mutual duty to support-property and labor	Husband and wife	Further clarification needed
14-07-04	Separate property rights and privileges	Husband and wife	No legal impact
14-07-06	Property contracts with third party	Husband and wife	No legal impact
14-07-07	Contract to alter marital relations	Husband and wife	No legal impact
14-07-08	Separate and mutual rights and liabilities	Husband and wife	Further clarification needed
14-07-12	Transfer of property when abandoned or imprisoned	Husband and wife	No legal impact
14-07-13	Binding contracts on both parties	Husband and wife	No legal impact
14-07-14	Order for transfer	Husband and wife	No legal impact
14-08-01	Action for support	Husband or wife	No change necessary
14-08-03	Procedure for action	Husband or wife	No change necessary
14-12.2-28(9)	Evidentiary rules-defense of immunity	Husband and wife	No legal impact
14-14.1-30(4)	Child custody-hearing	Husband and wife	No legal impact
14-15-03	Adoption-who may adopt	Husband and wife	No legal impact

Section	Topic	Current Terminology	Use of "Spouse"
14-15-20	Adoption and legitimation by conduct	Husband and wife	No legal impact, further clarification needed
14-18-08	Gestational carrier agreements	Husband	No legal impact
16.1-05-02	Qualifications of members of board of electors	Husband, wife	No change necessary
16.1-15-16	Qualifications of members of canvassing board	Husband, wife	No change necessary
16.1-15-34	Member of canvassing board	Husband, wife	No change necessary
16.1-16-01	Election recounts	Husband, wife	No change necessary
20.1-03-06	Resident game, fur-bearer, fishing licenses	Husband and wife	Further clarification needed
20.1-03-12(8)	Residential fishing license	Husband and wife	Further clarification needed
20.1-03-12(29)	Resident frog license	Husband and wife	Further clarification needed
20.1-03-12(32)	Nonresident fishing license	Husband and wife	Further clarification needed
23-06-03	Duty of burial	Husband, wife	No change necessary
23-06-13	Dissection	Husband, wife	No change necessary
28-22-01.1	Head of family defined	Husband, wife	No change necessary
30-16-03	Homestead	Husband or wife	No change necessary
30.1-10-02(1)	Effect of divorce, annulment, separation	Husband and wife	No change necessary
30.1-10-04(1)(b)	Revocation of probate and nonprobate transfers by divorce	Husband and wife	Further clarification needed
31-11-03	Disputable presumptions	Husband and wife, man and woman	No change necessary
32-21-03	Who may bring action	Husband or wife	No change necessary
35-01-04	Creation of lien	Husband and wife	Further clarification needed
37-26-01	Veterans' compensation	Husband or wife	No change necessary
47-18-04	Execution of homestead	Husband and wife	Further clarification needed
47-18-05	Conveyance of homestead	Husband and wife	No legal impact
47-18-14	Proceeds of sale	Husband and wife	No legal impact
47-18-22	Conveyance in case of mental illness	Husband or wife	No change necessary
47-18-23	Requisites of a petition in case of mental illness	Husband or wife	No change necessary
47-18-26	Sale of homestead	Husband or wife	No change necessary
47-18-27	Conveyance of homestead when spouse is mentally ill	Husband or wife	No change necessary
47-19-33	Prohibition on self-interested individuals from proving documents	Husband or wife	No change necessary
50-10.2-01(4)	Health care definitions	Husband, wife	No change necessary
50-25.1-10	Privileged communication	Husband and wife	Further clarification needed
54-52.4-01(9)	State employee leave definitions	Husband or wife	No change necessary
54-52.4-02(3)	Family leave	Husband and wife	Further clarification needed
57-38-31(2)	Duty to file income tax return	Husband and wife	Further clarification needed
57-40.3-04(5)	Motor vehicle tax exemption	Husband and wife	Further clarification needed
57-40.3-06	Presentation of motor vehicle purchaser's certificate	Husband or wife	No change necessary
57-40.3-07	Motor vehicle title or license	Husband and wife	Further clarification needed
57-40.5-03(3)	Aircraft excise tax exemption	Husband and wife	Further clarification needed
65-01-02(28)	Workforce safety definitions	Husband or wife	No change necessary

The District of Columbia, Minnesota, New Hampshire, Rhode Island, Vermont, and Washington include gender neutral requirements in statute or allow for equal treatment of same-sex couples under other family laws, including the Uniform Parentage Act. These six states enacted same-sex marriage prior to the United States

Supreme Court decision in June 2015. Several different options exist for alternative language, the most common being "individuals who are married to each other" and "spouse."