

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3964

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3964.

As introduced, this bill would permit, during the period of the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, parties intending to be married or enter into a civil union to mail or email a completed application for a marriage or civil union license to the appropriate licensing officer when at least one of the parties is diagnosed with life-threatening symptoms as described in the bill. As introduced, the bill would further permit a licensing officer to issue marriage or civil union licenses to contracting parties upon the completion of electronic or other communication including but not limited to telephonic communication, during which the parties shall subscribe and swear to an oath attesting the truth of the facts respecting the legality of the proposed marriage or civil union as set forth in the form supplied by the State registrar. The testimony would be verified by a witness of legal age who is in the presence of the contracting parties.

As amended, there is not a requirement that either party is diagnosed with life-threatening symptoms. A marriage or civil union license may be obtained by any parties intending to be married or enter into a civil union by the means identified in the bill. As amended, parties may hand deliver or mail the application, including the use of email, fax and other transmittal methods.

As amended, no doctor certification is required attesting to the life-threatening nature of the illness of a party to the marriage or civil union.

As amended, no applicant or identifying witness to the application shall be required to appear in person before the licensing officer. Audio-visual means is substituted for electronic or other communication means as a way for parties to complete the application process.

Under the bill, the licensing officer shall issue the license only if it is made to appear that no legal impediment to the marriage or civil union exists, and every licensing officer is permitted to administer oaths to the contracting parties. As amended, the parties

shall either in person or by means of audio-visual technology subscribe or swear to an oath administered by a licensing officer. As amended, the testimony shall be verified by a witness of legal age who is in the presence, either physically or by virtue of audio-visual technology of the contracting parties and the licensing officer.

Any witness or applicant applying for a marriage or civil union license who shall knowingly make false answers to any of the inquiries from the licensing officer shall be guilty of perjury.

The bill directs that there shall be no required delay in the issuance of a marriage or civil union license in cases involving a person with life-threatening symptoms who has completed the application for license process.

The bill would expire upon the rescission of Executive Order 103 by the Governor.

COMMITTEE AMENDMENTS:

(1) The committee amendments eliminate the requirement that one of the parties intending to be married or enter into a civil union is diagnosed with life-threatening symptoms.

(2) The committee amendments clarify that audio-visual technology is the preferred method to complete the application process.

(3) The committee amendments eliminate the need for a doctor certification that a party has a life-threatening condition.

(4) The committee amendments clarify that solemnization may occur remotely, though parties, witnesses and officiant must affirm that they are situated in the State.

(5) The committee amendments provide that in person marriage or civil union licensing and solemnization is not prohibited as long as social distancing and mitigation practices are observed.

(6) The committee amendments provide that the license is valid for 90 days instead of 30 days.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.