

SENATE, No. 2456

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Permits remote application for marriage and civil union license during period of Executive Order 103 of 2020; eliminates waiting period.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning obtaining certain marriage and civil union
2 licenses during the public health emergency and state of
3 emergency declared by the Governor in Executive Order 103 of
4 2020.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. Notwithstanding the provisions of any law or regulation
10 to the contrary, during the public health emergency and state of
11 emergency declared by the Governor in Executive Order 103 of
12 2020, contracting parties intending to be married or to enter into a
13 civil union may obtain a marriage or civil union license pursuant to
14 subsection c. of this section. The license shall be delivered to the
15 person who is to officiate.

16 b. A licensing officer may issue marriage or civil union licenses
17 to contracting parties who apply therefor by hand delivering or by
18 mailing the application including but not limited to, through
19 emailing the application.

20 c. During the public health emergency and state of emergency
21 declared by the Governor in Executive Order 103 of 2020, the
22 marriage or civil union license applicants may apply for licensure
23 for that marriage or civil union by completing the New Jersey
24 Department of Health application for license, including the
25 signature portion for the applicants and identifying witness, and
26 mailing, emailing, faxing or otherwise transmitting the application
27 to the appropriate licensing officer. No applicant or identifying
28 witness to the application shall be required to appear in person
29 before the licensing officer. It shall be the responsibility of the
30 applicants to thereafter contact the appropriate licensing officer, by
31 audio-visual means, to complete the application process.

32 d. The licensing officer shall, before issuing a marriage or civil
33 union license, require the parties to submit a completed form
34 supplied by the State registrar. The parties shall either in person or
35 by means of audio-visual technology, subscribe and swear to an oath
36 administered by a licensing officer attesting the truth of the facts
37 respecting the legality of the proposed marriage or civil union as set
38 forth in the form supplied by the State registrar. Said testimony shall
39 be verified by a witness of legal age who is in the presence, either
40 physically or by virtue of audio-visual technology, of the
41 contracting parties and the licensing officer. A licensing officer
42 shall issue a license only if it is thus made to appear that no legal
43 impediment to the marriage or civil union exists. Every licensing
44 officer may administer oaths to the contracting parties. Any
45 witness or applicant applying for a marriage or civil union license
46 who shall knowingly make false answers to any of the inquiries
47 from the licensing officer shall be guilty of perjury.

1 e. There shall be no 72-hour waiting period or need for a court
2 waiver as provided in R.S.37:1-4 in the issuance of a marriage or
3 civil union license pursuant to P.L. , c. (C.) (pending before
4 the Legislature as this bill).

5 f. Any application and solemnization for the witness, officiant,
6 couple and licensing office may occur utilizing audio-visual
7 technology as defined by the Department of Health. In the case of
8 solemnization utilizing audio-visual technology, the officiant, witness,
9 and the contracting parties shall affirm that they are physically situated
10 in the State, though they are not required to be situated in the same
11 municipality. The officiant shall identify the municipality and address
12 where he or she is physically situated and denote that municipality and
13 address as the place of marriage or civil union on the certificate.

14 g. The fees imposed by R.S.37:1-12 and section 1 of P.L. 1981,
15 c.382 (C. 37:1-12.1) for the issuance of a marriage or civil union
16 license shall be waived if the contracting parties seek a second
17 license, mirroring the original license, due to the expiration of the
18 original.

19 h. A marriage or civil union license, when properly issued as
20 provided in this section, shall be valid only for 90 days after the
21 date of the issuance thereof.

22
23 2. The Commissioner of Health shall establish guidelines to
24 effectuate the purposes of this act.

25
26 3. Nothing in this act shall be construed to prohibit physical, in-
27 person marriage or civil union licensing or solemnizations provided
28 they are consistent with the enhanced social distancing and mitigation
29 practices detailed in this State's Executive Orders, including but not
30 limited to Executive Order No. 107 (2020).

31
32 4. This act shall take effect immediately and shall expire upon
33 the rescission of Executive Order 103 by the Governor.

34
35
36 STATEMENT

37
38 During the period of the public health emergency and state of
39 emergency declared by the Governor in Executive Order 103 of
40 2020, this bill would permit parties intending to be married or enter
41 into a civil union to hand deliver, mail, email or otherwise transmit
42 a completed application for a marriage or civil union license to the
43 appropriate licensing officer. The bill would further permit a
44 licensing officer to issue marriage or civil union licenses to
45 contracting parties upon the completion of audio-visual
46 communication, during which the parties shall subscribe and swear
47 to an oath administered by a licensing officer attesting the truth of
48 the facts respecting the legality of the proposed marriage or civil

1 union as set forth in the form supplied by the State registrar. The
2 testimony shall be verified by a witness of legal age who is in the
3 presence of the contracting parties.

4 Under the bill, the licensing officer shall issue the license only if
5 it is made to appear that no legal impediment to the marriage or
6 civil union exists, and every licensing officer is permitted to
7 administer oaths to the contracting parties. Any witness or
8 applicant applying for a marriage or civil union license who shall
9 knowingly make false answers to any of the inquiries from the
10 licensing officer shall be guilty of perjury.

11 The bill directs that there shall be no 72 hour waiting period or
12 need for a court waiver as provided in R.S.37:1-14 in the issuance
13 of a marriage or civil union license.

14 The bill further provides that solemnization may occur remotely,
15 though the parties, witnesses and officiants must affirm that they
16 are situate in New Jersey. The bill clarifies that an in-person
17 marriage or civil union licensing and solemnization is not
18 prohibited as long as social distancing and mitigation practices are
19 observed. The bill provides that the license is good for 90 days.

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