

SENATE, No. 4167

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Permits a marriage or civil union license to be issued and solemnized via audio-visual technology.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 **AN ACT** concerning obtaining certain marriage and civil union
2 licenses through audio-visual technology, amending R.S.37:1-8
3 and R.S.37:1-17, and supplementing Title 37 of the Revised
4 Statutes.

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

8
9 1. R.S.37:1-8 is amended to read as follows:

10 37:1-8. A licensing officer shall, before issuing a marriage or
11 civil union license, require the contracting parties or, in the case of
12 persons who intend to be married or to enter into a civil union
13 pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one of the
14 contracting parties and the attorney-in-fact for the other party, to
15 appear before him physically or via audio-visual technology and
16 subscribe and swear to an oath attesting the truth of the facts
17 respecting the legality of the proposed marriage or civil union as set
18 forth in the form supplied by the State registrar. Said testimony
19 shall be verified by a witness of legal age. A licensing officer shall
20 issue a license only if it is thus made to appear before him that no
21 legal impediment to the marriage or civil union exists. Every
22 licensing officer may administer oaths to the contracting parties or,
23 in the case of persons who intend to be married or to enter into a
24 civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3),
25 to one of the contracting parties and to the attorney-in-fact for the
26 other contracting party and their identifying witness.

27 Obtaining a marriage or civil union license before the licensing
28 officer via audio-visual means may be satisfied under the following
29 conditions:

30 a. The video conference shall be live and shall allow for
31 interaction between the couple, the licensing official, and a witness;
32 and

33 b. Both members of the couple and the witness present valid
34 identification and other documents necessary to allow the licensing
35 officer to fulfill their statutory duty; and

36 c. The licensing officials administer the necessary oath; and

37 d. Each member of the couple and the witness shall sign the
38 license application. In the event members of the couple and/or the
39 witness are located in different locations, the couple and/or the
40 witness shall sign and transmit a legible copy to the next signatory,
41 until all signatures are obtained; and

42 e. The final signatory shall transmit a legible copy of the
43 signed license application directly to the licensing official, who
44 shall confirm receipt of the document on the day of transmission.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Any identifying witness, applicant applying for a marriage or
2 civil union license or attorney-in-fact who shall knowingly make
3 false answers to any of the inquiries asked by the licensing officer
4 shall be guilty of perjury.

5 (cf: P.L.2011, c.179, s.4)

6
7 2. R.S.37:1-17 is amended to read as follows:

8 37:1-17. On the marriage or civil union license shall be the form
9 for the certificate of marriage or civil union in quadruplicate, to
10 which the licensing officer shall have set forth particularly therein
11 the name, age, parentage, birthplace, residence, Social Security
12 number and domestic status of each party, whether single, widowed,
13 divorced, or a former civil union or domestic partner and the names
14 and county of birth of their parents. The Social Security number
15 shall be kept confidential and may only be released for child
16 support enforcement purposes, and shall not be considered a public
17 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person
18 by whom or the religious society, institution, or organization by or
19 before which, the marriage or civil union was solemnized, shall
20 personally or by legally authorized agent subscribe where indicated
21 on the form the date and place of the marriage or civil union.
22 Solemnization by an individual, religious society, institution, or
23 organization may occur with the couple physically present or via
24 audio-visual means. Each certificate of marriage or civil union
25 shall also contain the signature and residence of at least two
26 witnesses who were present at the marriage or civil union
27 ceremony.

28 Solemnization via audio-visual means may be satisfied through
29 the following conditions:

30 a. The video conference shall be live and shall allow for
31 interaction between the couple, officiant, and the two witnesses;
32 and

33 b. The couple shall present their marriage or civil union license
34 to the officiant; and

35 c. The officiant, each witness, and both members of the couple
36 shall affirm that they are physically located in the State. The
37 officiant shall identify the municipality and address where he or she
38 is physically situated and denote that municipality and address as
39 the place of marriage or civil union on the certificate; and

40 d. Each member of the couple and both witnesses shall sign the
41 marriage or civil union certificate. In the event members of the
42 couple and/or the witnesses are located in different locations, the
43 couple and/or the witnesses shall sign and transmit a legible copy to
44 the next signatory, until all signatures are obtained; and

45 e. The final signatory shall transmit a legible copy of the
46 signed certificate to the officiant at the conclusion of the
47 conference, who shall sign the document on the date of
48 transmission; and

1 f. Upon completion of the video conference, the officiant shall
2 make copies of the license and certificate and shall distribute the
3 original and copies within the time period and in the manner
4 required by R.S. 26:8-41 and section 2 of P.L.1980, c.128 (C.37:1-
5 17.1); and

6 Local registrars shall use a means that is secure and maintains
7 the confidentiality of the documents transmitted.

8 (cf: P.L.2006, c.103, s.20)

9
10 3. (New section) The Commissioner of Health, pursuant to the
11 “Administrative Procedure Act.” P.L.1968, c.410 (52:14B-1 et
12 seq.), shall adopt rules and regulations to effectuate the purposes of
13 this act.

14
15 4. This act shall take effect immediately.

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18 STATEMENT

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20 This bill would authorize a marriage or civil union license to be
21 issued and solemnized by audio-visual technology.

22 This bill permits a couple, as well as a witness, who wish to
23 marry or enter into a civil union to appear via audio-visual
24 technology before a licensing official in order to obtain a marriage
25 or civil union license. Additionally, this bill will permit
26 solemnization of the marriage or civil union by an individual,
27 religious society, institution, or organization via audio-visual
28 means. Current law requires that individuals who wish to marry or
29 enter into a civil union appear personally before a licensing official
30 and that the marriage or civil union be solemnized in the physical
31 presence of an officiant and two witnesses.

32 Under the bill, receiving a license and having it solemnized via
33 audio-visual technology requires: the video conference be live and
34 allow for interaction between the couple, the licensing official or
35 officiant, and witnesses; members of the couple and witnesses
36 provide valid photo identification and any other documents
37 necessary to allow the licensing official or officiant to fulfill their
38 statutory duty; and each member of the couple and the witnesses
39 sign the pertinent documents and transmit the documents, once
40 signed by all signatories, to the licensing official or officiant.