

Rep. Alexander Jr., Hills. 29
Rep. Berch, Ches. 6
Rep. Lynn, Rock. 17
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04/05

Amendment to HB 1260-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Definitions; Marriage License. Amend RSA 5-C:1, XXII to read as follows:

4 XXII. "Marriage license" means the vital record document that is completed by the ~~[bride~~
5 ~~and groom]~~**marriage applicants** and the clerk of the town or city showing that all legal
6 requirements have been met and the couple is eligible to be married.

7 2 Marriage Registration Forms. Amend RSA 5-C:41 to read as follows:

8 5-C:41 Marriage Registration Forms.

9 I. There shall be 2 forms for the completion of a marriage registration. The marriage
10 application worksheet, which shall be the form that is used to record marriage intentions, shall be
11 completed by the prospective ~~[bride and groom]~~**marriage applicants** and the clerk of the town or
12 city and shall contain the information needed to complete the marriage license. The marriage
13 license, which shall be the form that is used to record that the marriage ceremony has taken place
14 and to record who solemnized the marriage, shall be completed by the ~~[bride, groom]~~**marriage**
15 **applicants**, the officiant, and the clerk of the town or city in accordance with this section and RSA
16 5-C:42. The marriage license shall be the official copy of the certificate of marriage when the
17 marriage is registered with the division.

18 II. The marriage application worksheet **may be completed online or offline ahead of**
19 **time, and** shall be completed by the prospective ~~[bride and groom]~~**marriage applicants by**
20 **signing it** in the office of the clerk of the town or city. **The town or city clerk shall also sign the**
21 **marriage application worksheet.** The information supplied by ~~[the groom]~~**both marriage**
22 **applicants** shall include his **or her** full name; his **or her** usual residence by street and number,
23 city, town or location, county and state; his **or her** birthplace; his **or her** date of birth; his **or her**
24 social security number; his **or her** father's full name; his **or her** father's birthplace; his **or her**
25 mother's maiden name; and his **or her** mother's birthplace. **If applicable, a party shall also**
26 **provide their surname if different from their current name.** ~~[The information supplied by the~~
27 ~~bride shall include her full name and maiden surname, if different; her usual residence by street and~~
28 ~~number, city, town or location, county and state; her birthplace; her date of birth; her social security~~
29 ~~number; her father's full name; her father's birthplace; her mother's maiden name; and, her mother's~~
30 ~~birthplace.]~~

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1 II-a.(a) Upon entering into marriage, either party may retain his or her surname prior to the
2 marriage or change his or her surname to the surname of the other party or change the surname to a
3 hyphenated combination of the full surnames of both parties. If a party requests a surname change
4 under this paragraph, that party may also change his or her middle name to his or her surname
5 prior to the marriage. Each party shall indicate on the marriage application worksheet the party's
6 name after marriage.

7 (b) Provided that the change is not made for a fraudulent criminal or wrongful purpose,
8 the name of each party after marriage as indicated on the marriage application worksheet and
9 marriage license shall become the sole legal name of each party after marriage. If a party indicates
10 a name change other than as described in subparagraph (a), the party shall request approval of the
11 court.

12 III. The clerk of the town or city shall complete the following statistical and legal
13 information on the marriage application worksheet for both the applicants with information supplied
14 by the applicants: the number which represents the currently intended marriage; if previously
15 married, whether a civil annulment occurred or the marriage ended by death or divorce; the date of
16 civil annulment or that the last marriage ended; whether proof of age of the applicants was
17 demonstrated using identification with photograph; if applicable, the divorce decree; and, if
18 applicable, the death record of the former spouse.

19 IV. The ~~[bride and groom]~~**marriage applicants** shall record the following on the marriage
20 application worksheet after the clerk of the town or city completes information on the application
21 worksheet as described in paragraph III: the date and the city or town where the marriage is
22 intended to take place, if known; the name and address of the officiant for the marriage ceremony, if
23 known; the ~~[groom's]~~ **marriage applicants** mailing ~~[address]~~ **addresses** and phone
24 ~~[number]numbers;[- the bride's mailing address and phone number;]~~ the ~~[grooms]~~ **marriage**
25 **applicants** ~~[signature]~~ **signatures** and date signed; ~~[the bride's signature and date signed;]~~ and
26 certification that the information provided is correct to the best of his or her knowledge and belief
27 and that he or she is free to marry under the laws of New Hampshire.

28 V. Once all of the information on the marriage application worksheet has been obtained, the
29 clerk of the town or city shall transfer the information as listed in paragraphs II and III from the
30 marriage application worksheet to the marriage license as well as record the following information
31 on the marriage license: the date that the marriage license is issued, the signature of the clerk, and
32 the name of the city or town of issuance.

33 VI. Pursuant to RSA 457:26, the date that the marriage license is issued shall be not more
34 than 90 days from the date that marriage intentions were filed.

35 VII. Upon request of ~~[the groom]~~**either marriage applicants**, the name of a legal guardian
36 shall be substituted on the marriage license for a natural parent's name, regardless of whether the

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1 ~~[groom]~~ **marriage applicant** who makes the request is of legal age at the time when intentions are
2 being filed.

3 ~~[VIII. Upon request of the bride, the name of a legal guardian shall be substituted on the~~
4 ~~marriage license for a natural parent's name, regardless of whether the bride who makes the request~~
5 ~~is of legal age at the time when intentions are being filed.]~~

6 ~~[IX.]~~ **VIII.** The substitution of stepparents' names shall not be permitted.

7 ~~[X.]~~ **IX.** Persons entering dates on the marriage license shall use the full or abbreviated
8 name of the month rather than numerals.

9 ~~[XI.]~~ **X.** When listing the birthplace on the marriage license, if the person is known to have
10 been born in the United States, but the state is unknown then "U.S.-Unknown" shall be entered,
11 and, if the person is known to have been born in a foreign country, but the country is unknown,
12 "Foreign Unknown" shall be entered.

13 ~~[XII.]~~ **XI.** If no information is available regarding place of birth, "Unknown" shall be entered.

14 ~~[XIII.]~~ **XII.** The prospective ~~[bride and groom]~~**marriage applicants** shall review the
15 information on the marriage license for completeness and accuracy prior to signing the marriage
16 license.

17 ~~[XIV.]~~ **XIII.** Repealed.

18 ~~[XV.]~~ **XIV.** The officiant shall record the following on the marriage license after the
19 marriage ceremony has taken place: certification that he or she is duly authorized to solemnize the
20 marriage in accordance with RSA 457; the officiant's status, pursuant to RSA 457:31; the date of the
21 marriage ceremony; the city, town or location and county where the couple were married;
22 certification that the ~~[bride and groom]~~**marriage applicants** were married by the officiant in
23 conformance with RSA 457 and that the information noted is correct to the best of his or her
24 knowledge; the signature of the officiant; the officiant's typed or printed name; the officiant's title
25 and address; and an indication of whether the ceremony was religious or civil.

26 ~~[XVI.]~~ **XV.** The date the marriage license is received by the clerk of the town or city from the
27 officiant shall be recorded on the marriage certificate as the date the marriage registration is filed.

28 ~~[XVII.]~~ **XVI.** The marriage license shall include the signature of the clerk of the town or city
29 and the name of the town or city.

30 3 Marriage License and Registration. Amend RSA 5-C:42, V to read as follows:

31 V. If either party or both is a member of the armed forces and is unable to appear in person,
32 the following shall apply: the armed services' legal representative shall prepare the marriage
33 application worksheet; the completed application worksheet shall be signed by the service person;
34 the armed services' legal representative, company commander or other superior officer, shall sign a
35 statement attesting that the information provided is correct; the service person, if unable to appear,
36 shall submit a signed statement authorizing the non-service person to sign for both the ~~[bride and~~
37 ~~groom]~~**marriage applicants**; the completed application, and signed release if applicable, shall then

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1 be forwarded to the clerk of the town or city who issued the application; when the application
2 worksheet is received by the clerk of the town or city, it shall then be used as an acceptable
3 substitute for the personal appearance of the service person; the license shall then be prepared
4 pursuant to RSA 5-C:41 with the non-service applicant being permitted to sign the license for both
5 the ~~[bride and groom]~~ **marriage applicants**; and the application worksheet received from the
6 service person shall be retained permanently by the clerk of the town or city.

7 4 Marriage License and Registration. Amend RSA 5-C:42, XIV to read as follows:

8 XIV. The date of the signing of the worksheet by either ~~[the bride or groom]~~ **marriage**
9 **applicants**, or the earlier of 2 dates if applicable, shall be used by the clerk of the town or city to
10 indicate when the intention of marriage was received and recorded and the date to be used to
11 establish the beginning of the time period during which the license shall be valid. The marriage
12 license shall be valid pursuant to RSA 457:26 for not more than 90 days from the date the marriage
13 intentions were filed. When 90 days have elapsed from the date the marriage intentions were filed
14 and a completed marriage certificate or a delayed certificate of marriage has not been processed, the
15 clerk of the town or city shall make a notation on the marriage application worksheet stating the
16 marriage presumably did not take place. In the case where the marriage certificate is received
17 within 6 months of the end of the 90-day period, the clerk of the town or city shall remove the
18 notation and issue the certificate. In the case where the marriage certificate is received more than 6
19 months after the end of the 90-day period, the clerk of the town or city shall follow the procedure for
20 issuing a delayed certificate of marriage.

21 5 Distribution of the Marriage License. Amend RSA 5-C:43 Distribution of the Marriage
22 License to read as follows:

23 5-C:43 Distribution of the Marriage License. After the clerk of a town or city has forwarded the
24 completed marriage license to the division, the registrar shall give the original to the prospective
25 ~~[bride and groom]~~ **marriage applicants**. A marriage license may be mailed to the ~~[bride or groom]~~
26 **marriage applicants** if mailed via certified mail with return receipt requested and the cost for the
27 certified mail handling shall be paid by the applicants. The ~~[bride and groom]~~ **marriage**
28 **applicants** shall provide the marriage license to the officiant prior to the marriage ceremony.

29 6 Officiant Responsibilities. Amend RSA 5-C:49, VI to read as follows:

30 VI. In accordance with paragraph I, the officiant shall report the fact that a marriage has
31 taken place, even if the ~~[bride and groom]~~ **marriage applicants** have a change of mind after the
32 ceremony and ask the officiant not to report the marriage to the clerk of the town or city. The date of
33 the marriage shall be the date that the ceremony took place.

34 7 Marriage Registration Forms and Procedures; Delayed Certificate of Marriage Filing. Amend
35 RSA 5-C:52 to read as follows:

36 I. The registration of a marriage after 6 months from the actual date of the marriage shall
37 be accomplished using a regular certificate of marriage, completed in accordance with RSA 5-C:42.

1 II. Registration of marriage pursuant to paragraph I requires that an application for a
2 delayed certificate of marriage be initiated by the [~~bride, groom~~] **marriage applicants**, or their
3 legal representative with the clerk of the town or city where the marriage license was allegedly
4 issued. **The filing fee for a delayed certificate of marriage shall be \$25 payable to the city or**
5 **town clerk, to be retained by the city or town.** To be acceptable for registration by the state
6 registrar, the delayed certificate of marriage shall be supported by a copy of the marriage worksheet
7 application, if available, obtained from the clerk of the town or city where the intentions were filed
8 and at least 2 of the following:

9 (a) An affidavit from the officiant, if obtainable, stating that he or she had officiated at
10 the wedding in question.

11 (b) A copy of the marriage certificate signed by the officiant and given to the married
12 couple after the alleged ceremony.

13 (c) One or more copies of newspaper accounts of the wedding in question.

14 (d) A copy of a city or town report showing that the marriage in question was listed
15 therein.

16 (e) A certified copy of a divorce decree dissolving the marriage in question.

17 (f) Pictures of the wedding ceremony accompanied by a notarized affidavit by, but not
18 limited to, the best man, maid of honor, mother or father of [~~the bride or groom~~] **either marriage**
19 **applicant**, or bridesmaids, testifying to the persons shown in the pictures.

20 (g) Notarized affidavits from other members of the wedding party including participants
21 and witnesses.

22 (h) A census bureau report on the applicant's household demonstrating marital status.

23 III. When evidence as cited in paragraph II is presented to the clerk of the town or city, he
24 or she shall initiate preparation of a new marriage certificate. The marriage certificate shall be a
25 replica of the original when possible, showing all dates and related information, and signatures of
26 the [~~bride and groom~~] **marriage applicants** shall be obtained by the clerk of the town or city on the
27 new marriage record.

28 8 Marriage Registration Forms and Procedures; Delayed Certificate of Marriage Procedures.
29 Amend RSA 5-C:53, III to read as follows:

30 III. The clerk of the town or city shall send the completed form and all original supporting
31 documentation to the division after his or her signature has been affixed. A copy of the completed
32 form shall be retained by the clerk of the town or city and a copy shall be sent to the [~~bride and~~
33 ~~groom~~] **marriage applicants**.

34 9 Marriage Registration Forms and Procedures; Application for and Preparation of a Certified
35 Copy of a Marriage Certificate. Amend RSA 5-C:57 to read as follows:

36 5-C:57 Application for and Preparation of a Certified Copy of a Marriage Certificate.

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1 I. The following information shall be provided on an application for certified copy of
2 marriage record, before a certified copy is issued:

3 (a) ~~[The groom's full name and the bride's full maiden name]~~ ***The full name of both***
4 ***marriage applicants, including any prior surname if different from the current name.***

5 (b) The date of marriage.

6 (c) The place of marriage.

7 (d) The purpose for which the certificate is requested.

8 (e) The applicant's signature.

9 (f) The applicant's relationship to the ~~[bride and groom]~~ ***marriage applicants.***

10 (g) The applicant's name, address, and telephone number.

11 II. The applicant shall demonstrate a direct and tangible interest in the record.

12 10 False Information on the Marriage Application Worksheet. Amend RSA 5-C:91, I to read as
13 follows:

14 I. If it becomes known to the clerk of the town or city who has issued a marriage license that
15 false information was given on the worksheet and included on the license, or if the clerk discovers
16 information that is known to be incorrect because of inconsistencies with other records, the clerk
17 shall notify the ~~[bride and groom]~~***marriage applicants*** and, if appropriate, the officiant, by
18 certified mail of the inconsistency and request that they respond in writing within 30 days. The
19 clerk shall also request that they attach to the response letter any information which will assist in
20 correcting the worksheet information; send a copy of the letter to the division; and prepare the
21 appropriate form under RSA 5-C:85 to correct the vital record.

22 11 Registrar's Duties; Marriage Licenses. Amend RSA 5-C:97, I to read as follows:

23 I. If the marriage license issued to the prospective ~~[bride and groom]~~***marriage applicants***
24 is not used for any reason, it shall be returned to the clerk of the town or city of issuance.

25 12 Disclosure of Information to Individuals; Direct and Tangible Interest. Amend RSA 5-C:102,
26 XI to read as follows:

27 XI. When publishing information regarding vital record events for statistical purposes in
28 city or town reports, the following procedure shall apply. A written request from a resident that a
29 particular vital event be omitted from the city or town report shall always be granted. A written
30 request from a resident registrant that a certain event be published in the city or town report,
31 including the birth of a child to a unwed mother, shall be granted. Items included in a city or town
32 report for birth shall be limited to: the child's name; the name of the father; the name of the mother;
33 the place of birth; and, the date of birth. Items included in a city or town report for death shall be
34 limited to: the name of deceased; the place of death; the name of the father; the maiden name of the
35 mother; and the date of death. Items included in a city or town report for marriage shall be limited
36 to: ~~[the groom's name and place of residence; the bride's name and place of residence]~~ ***the marriage***
37 ***applicant's names and place of residence;*** and the date of the marriage ceremony.

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1 13 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill permits marriage applicants to complete the marriage application in advance, establishes a fee for filing a delayed marriage certificate, and updates all relevant statutory language in the chapter to be gender neutral.