

STATE OF NEW YORK

8192

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

Introduced by M. of A. L. ROSENTHAL, CARROLL, J. RIVERA -- read once and referred to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to permitting the witnessing and solemnization of a marriage ceremony and the issuance of a marriage license application or marriage license to be performed utilizing audio-video technology

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 12 of the domestic relations law is amended to
2 read as follows:

3 § 12. Marriage, how solemnized. 1. No particular form or ceremony is
4 required when a marriage is solemnized as herein provided by a clergyman
5 or magistrate, but the parties must solemnly declare in the presence of
6 a clergyman or magistrate and the attending witness or witnesses that
7 they take each other as husband and wife. In every case, at least one
8 witness beside the clergyman or magistrate must be present at the cere-
9 mony.

10 2. The witnessing or solemnizing of the ceremony is authorized to be
11 performed utilizing audio-video technology provided that the following
12 conditions are met:

13 (a) the couple seeking the marriage services, shall present valid
14 photo identification to verify identity whenever required by law during
15 the video conference;

16 (b) the video conference shall allow for direct interaction between
17 the couple and the witness or witnesses and the person solemnizing the
18 marriage;

19 (c) the couple shall affirmatively represent that they are physically
20 situated in the jurisdiction where the marriage is legally allowed to
21 occur within the state;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) the couple shall transmit by fax or electronic means a legible
2 copy of the signed marriage license directly to the witness or witnesses
3 and the person solemnizing the marriage on the same date it was signed;

4 (e) the witness or witnesses and the person solemnizing the marriage
5 shall sign the transmitted copy of the marriage license and transmit the
6 same back to the person responsible for the marriage license; and

7 (f) to the extent practicable, all parties shall use their best
8 efforts to ensure the marriage license is transmitted in the most confi-
9 dential manner and information will not be released to any third party
10 not associated with the marriage license and marriage ceremony.

11 3. The preceding provisions of this chapter, so far as they relate to
12 the manner of solemnizing marriages, shall not affect marriages among
13 the people called friends or quakers; nor marriages among the people of
14 any other denominations having as such any particular mode of solemniz-
15 ing marriages; but such marriages must be solemnized in the manner here-
16 tofore used and practiced in their respective societies or denomi-
17 nations, and marriages so solemnized shall be as valid as if this
18 article had not been enacted.

19 § 2. Section 13 of the domestic relations law, as amended by chapter
20 95 of the laws of 2011, is amended to read as follows:

21 § 13. Marriage licenses. 1. It shall be necessary for all persons
22 intended to be married in New York state to obtain a marriage license
23 from a town or city clerk in New York state and to deliver said license,
24 within sixty days, to the clergyman or magistrate who is to officiate
25 before the marriage ceremony may be performed. In case of a marriage
26 contracted pursuant to subdivision four of section eleven of this [~~chap-~~
27 ~~ter~~] article, such license shall be delivered to the judge of the court
28 of record before whom the acknowledgment is to be taken. If either party
29 to the marriage resides upon an island located not less than twenty-five
30 miles from the office or residence of the town clerk of the town of
31 which such island is a part, and if such office or residence is not on
32 such island such license may be obtained from any justice of the peace
33 residing on such island, and such justice, in respect to powers and
34 duties relating to marriage licenses, shall be subject to the provisions
35 of this article governing town clerks and shall file all statements or
36 affidavits received by him while acting under the provisions of this
37 section with the town clerk of such town. No application for a marriage
38 license shall be denied on the ground that the parties are of the same,
39 or a different, sex.

40 2. Any issuance of a marriage license application or marriage license
41 is authorized to be performed utilizing audio-video technology provided
42 that the following conditions are met:

43 (a) the couple seeking the marriage services, shall present valid
44 photo identification to verify identity whenever required by law during
45 the video conference;

46 (b) the video conference shall allow for direct interaction between
47 the couple and the town or city clerk;

48 (c) the couple shall affirmatively represent that they are physically
49 situated in the jurisdiction of the town or city clerk;

50 (d) the couple shall transmit by fax or electronic means a legible
51 copy of the signed document directly to the town or city clerk on the
52 same date it was signed;

53 (e) the town or city clerk shall sign the transmitted copy of the
54 document and transmit the same back to the person responsible for the
55 document; and

1 (f) to the extent practicable, all parties will use their best efforts
2 to ensure the document is transmitted in the most confidential manner
3 and information will not be released to any third party not associated
4 with the marriage license.

5 The electronic signed copy of the marriage license application or
6 marriage license shall be the official document for purposes of this
7 chapter. Local town and city clerks shall provide guidance related to
8 how marriage licensure applications and issuance is implemented in the
9 jurisdiction of such clerk.

10 § 3. This act shall take effect on the ninetieth day after it shall
11 have become a law. Effective immediately, the addition, amendment
12 and/or repeal of any rule or regulation necessary for the implementation
13 of this act on its effective date are authorized to be made and
14 completed on or before such effective date.