

STATE OF NEW YORK

1357

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. ROSENTHAL, R. CARROLL, ZINERMAN, LUNSFORD -- 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:

Section 1. Section 12 of the domestic relations law, as amended by chapter 68 of the laws of 2023, is amended to read as follows:

§ 12. Marriage, how solemnized. 1. No particular form or ceremony is required when a marriage is solemnized as herein provided by a ~~[clergyman]~~ member of the clergy or magistrate, or one-day marriage officiant as designated by a town or city clerk pursuant to section eleven-d of this article, but the parties must solemnly declare in the presence of a ~~[clergyman]~~ member of the clergy, magistrate, or such one-day marriage officiant and the attending witness or witnesses that they take each other as spouses. In every case, at least one witness beside the ~~[clergyman]~~ member of the clergy, magistrate, or such one-day marriage officiant must be present at the ceremony.

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

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

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

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

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

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

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

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

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

22 § 2. Section 13 of the domestic relations law, as amended by chapter
23 68 of the laws of 2023, is amended to read as follows:

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

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

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

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

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

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

4 (e) the town or city clerk shall sign the transmitted copy of the
5 document and transmit the same back to the person responsible for the
6 document; and

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

11 The electronic signed copy of the marriage license application or
12 marriage license shall be the official document for purposes of this
13 chapter. Local town and city clerks shall provide guidance related to
14 how marriage licensure applications and issuance is implemented in the
15 jurisdiction of such clerk.

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