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**Sent:** Friday, April 3, 2020 3:14 PM  
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**Subject:** Marriage license exceptions

Greetings, Jenny. I hope if this email is not directed to the correct person, you will forward it as necessary. I am the Mayor of Vergennes and a Justice of the Peace. I received a request today to marry an unmarried gay couple who are both ICU hospital workers who will be coming to Dartmouth-Hitchcock to provide relief in the ICU there. They are concerned that one of them may/will contract the virus and will have no one to advocate for them in the event of the unthinkable, in addition to insurance and other financial issues.

Given that the Governor has suspended all municipal activities, including issuing marriage licenses, I wonder if there may or should be exceptions to this ruling particularly in the case of health care and other relief workers coming to our region to assist.

I need not mention that time is of the essence. I thank in advance for your assistance.

Jeff Fritz  
Mayor of Vergennes  
802.458.5448

Hello,

In my understanding, the Governor's order ([as interpreted by the ACCD](#)) does direct municipalities to suspend in-person operations deemed non-essential, giving marriage license applications as an example.

And, the marriage statutes, specifically [18 V.S.A. § 5131](#), require that at least party to the marriage sign the license in the presence of the clerk.

That said: I know that many town clerks are figuring out creative work arounds to this problem and are in fact issuing licenses to applicants. Just this morning Carol Dawes, Barre City clerk, [testified](#) in the Vermont House Government Operations Committee to the following effect:

*MARRIAGE LICENSES Similar to providing notary services, marriage licenses have an in-person component that clerks are working around through a number of creative ways. Statute requires clerks to have one of the parties to a marriage sign the license in our presence. The initial application can be downloaded from our websites, or the Department of Health website. The*

*couple can fill it out, sign it, scan it and email it to us. We'll prepare the license and then meet them on the porch or at the front door, and again the clipboards and pens are involved.*

Carol's contact info is in the link to her testimony above. She might be a good resource for both learning about options in this context, as well as getting a sense of whether the Legislature is considering addressing this issue in the near term.

As far as your role as officiant, here is an excerpt from our office's [JP Guide](#):

*A JP or other official who solemnizes a marriage must complete a section on the license form and return it to the town clerk within 10 days of the ceremony. 18 V.S.A. § 5131. The JP must sign the form and include his or her official title, "Justice of the Peace." By signing the license, the JP is certifying that the parties entered into the marriage with mutual consent.*

*Vermont law is silent on the mechanics of wedding ceremonies. Some authorities say that a minimum ceremony could be as short as the JP saying, "By the authority vested in me by the State of Vermont, I hereby join you in civil marriage."*

I can't give legal advice to the folks who contact our office, and so I can't offer much in terms of direction regarding the manner in which JP might be able to satisfy both the marriage solemnization statutes and the Governor's order. I do hear, anecdotally as well as via Carol's testimony above, that there has been an uptick in the issuance of marriage licenses throughout the state lately -- some attributable to the start of wedding season, of course, but I imagine there are plenty of folks prompted by changes in their lives due the COVID-19 epidemic. So, it does seem to me that marriages are indeed going forward.

Beyond this, I strongly encourage you to take your concerns to the Vermont Legislature (your town's representatives and/or the House and Senate Government Operations committees), as well as the Governor's Office/ACCD, about the essential nature of marriage licensure to folks facing health and economic crises of this scale.

I do hope this helps, and my very best wishes to the couple who contacted you.

Best regards,  
Jenny Prosser

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