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H.680

Introduced by Representative Graham of Williamstown

Referred to Committee on

Date:

Subject: Authorized issuers of marriage licenses

Statement of purpose of bill as introduced: This bill proposes to eliminate the restriction on which town clerk in the State of Vermont can issue a marriage license to a Vermont resident.

An act relating to obtaining a marriage license in any town in Vermont

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5131 is amended to read:

§ 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;  
RETURN OF CIVIL MARRIAGE CERTIFICATE;  
REGISTRATION

(a)(1) Upon receipt of a completed application in a form prescribed by the State Registrar, which shall require both parties to sign the application certifying to the accuracy of the facts contained ~~therein~~ in the application, a town clerk shall issue to a person a civil marriage license in the form prescribed by the State Registrar only if at least one party has signed the license in the presence of the clerk and shall enter ~~thereon~~ on the license the

1 names of the parties to the proposed marriage and fill out the form as far as  
2 practicable. The town clerk shall retain in the clerk's office a copy of the  
3 license until the marriage certificate is returned by the solemnizer.

4 (2) The application forms shall allow each party to a marriage to be  
5 designated "bride," "groom," or "spouse," as ~~he or she~~ each party chooses.

6 This worksheet may be destroyed after the marriage is registered.

7 (3) The license shall be issued by:

8 ~~(A) the clerk of the incorporated town, city, or village where either~~  
9 ~~party resides;~~

10 ~~(B) the clerk of the county where an unorganized town or gore is~~  
11 ~~situated, if both parties reside in an unorganized town or gore in that county, or~~  
12 ~~if one party so resides and the other party resides in an unorganized town or~~  
13 ~~gore in another county or outside the State; or~~

14 ~~(C) by any town clerk in the State if neither party is a resident of the~~  
15 ~~State~~ any town clerk in the State.

16 \* \* \*

17 Sec. 2. 18 V.S.A. § 5139 is amended to read:

18 § 5139. CLERK'S DUTIES; PENALTY

19 (a) ~~Except under the circumstances described in subsection (b) of this~~  
20 ~~section,~~ a A town clerk who knowingly issues a civil marriage license ~~upon~~  
21 ~~application of a person other than as described in subdivision 5131(a)(3) of this~~

1 ~~title, or a clerk who issues such a license~~ without first requiring the applicant to  
2 fill out, sign, and ~~make oath to the declaration contained therein~~ certify the  
3 accuracy of the application, as provided in section 5131 of this title, shall be  
4 fined not more than \$50.00 nor less than \$20.00.

5 (b) ~~A town clerk may issue a civil marriage license to parties other than as~~  
6 ~~described in subdivision 5131(a)(3) of this title when the office of the town~~  
7 ~~clerk with authority to issue the license is not open during standard business~~  
8 ~~hours and the parties have a compelling, immediate need to be married, as~~  
9 ~~determined by the town clerk issuing the civil marriage license. A compelling,~~  
10 ~~immediate need would arise when irreparable harm could occur if the marriage~~  
11 ~~were delayed. [Repealed.]~~

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on July 1, 2022.