

1 H.680

2 Introduced by Representative Graham of Williamstown

3 Referred to Committee on

4 Date:

5 Subject: Authorized issuers of marriage licenses

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

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

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

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

12 § 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;

13 RETURN OF CIVIL MARRIAGE CERTIFICATE;

14 REGISTRATION

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

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

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

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

8 (3) The license shall be issued by:

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

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

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

17 * * *

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

19 § 5139. CLERK'S DUTIES; PENALTY

20 (a) ~~Except under the circumstances described in subsection (b) of this~~
21 ~~section,~~ a A town clerk who knowingly issues a civil marriage license ~~upon~~

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

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

13 Sec. 3. EFFECTIVE DATE

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