

5-C:42 Marriage License and Registration. –

I. A marriage performed in the state of New Hampshire shall be registered when the marriage certificate is filed in accordance with this section and RSA 5-C:41, signed by the clerk of the town or city, and forwarded to the division.

II. An application for a marriage license may be made in any city or town in the state of New Hampshire and the marriage license shall be issued for a marriage ceremony to be performed in any city or town in the state of New Hampshire.

III. No marriage license or court-ordered waiver issued by any other state shall be acceptable for marriage in the state of New Hampshire.

IV. The prospective bride and groom shall appear in person to the clerk of the town or city to file the marriage intentions and to sign the application for the marriage license unless either party or both are members of the armed forces and unable to appear in person.

V. If either party or both is a member of the armed forces and is unable to appear in person, the following shall apply: the armed services' legal representative shall prepare the marriage application worksheet; the completed application worksheet shall be signed by the service person; the armed services' legal representative, company commander or other superior officer, shall sign a statement attesting that the information provided is correct; the service person, if unable to appear, shall submit a signed statement authorizing the non-service person to sign for both the bride and groom; the completed application, and signed release if applicable, shall then be forwarded to the clerk of the town or city who issued the application; when the application worksheet is received by the clerk of the town or city, it shall then be used as an acceptable substitute for the personal appearance of the service person; the license shall then be prepared pursuant to RSA 5-C:41 with the non-service applicant being permitted to sign the license for both the bride and groom; and the application worksheet received from the service person shall be retained permanently by the clerk of the town or city.

VI. One party may initiate the process of applying for a marriage license; however, the license shall not be issued until signatures have been obtained from both parties.

VII. An applicant for a marriage license shall provide positive identification consisting of a certified copy of a birth certificate or a driver's license or a passport or other license or identification that contains a photograph of the applicant and the applicant's name and date of birth.

VIII. When both applicants for a marriage license are nonresidents of New Hampshire, both applicants shall be at least 18 years of age and, in accordance with RSA 457, there shall be no provision for an age waiver and there shall be no time waiver of the 3-day waiting period if both applicants and his or her parents are non-residents of New Hampshire.

IX. If either or both parties have been previously married, a certified copy of the final divorce decree or decrees, or a certified copy of the death record of each deceased spouse, shall be reviewed by the clerk of the town or city before the marriage license is issued. The clerk shall make notation upon the marriage license of such review.

X. If a civil annulment is declared as the means of dissolving a former marriage, the clerk of the town or city shall review a certified copy of the civil annulment decree before the marriage license is issued.

XI. A divorce decree in a foreign language shall not be acceptable for presentation as proof of final divorce, unless the divorce decree is translated into English and signed by the translator, with the signature certified by a justice of the peace or notary public. The cost of the translation, if any, shall be the responsibility of the applicant.

XII. If a divorce decree from a foreign country is not available, the applicant shall provide an affidavit stating that he or she was divorced and a statement from the embassy of the foreign country stating that the records are not available.

XIII. After the marriage application worksheet has been prepared and signed by the applicants, a license fee in accordance with RSA 457:29 shall be paid by the applicants to the clerk of the town or city. If the applicants do not use the marriage license for any reason, the fee shall not be refunded.

XIV. The date of the signing of the worksheet by either the bride or groom, or the earlier of 2 dates if applicable, shall be used by the clerk of the town or city to indicate when the intention of marriage was received and recorded and the date to be used to establish the beginning of the time period during which the license shall be valid. The marriage license shall be valid pursuant to RSA 457:26 for not less than 3 days nor more than 90 days from the date the marriage intentions were filed. When 90 days have elapsed from the date the marriage intentions were filed and a completed marriage certificate or a delayed certificate of marriage has not been processed, the clerk of the town or city shall make a notation on the marriage application worksheet stating the marriage presumably did not take place. In the case where the marriage certificate is received within 6 months of the end of the 90-day period, the clerk of the town or city shall remove the notation and issue the certificate. In the case where the marriage certificate is received more than 6 months after the end of the 90-day period, the clerk of the town or city shall follow the procedure for issuing a delayed certificate of marriage.

Source. 2005, 268:1, eff. Jan. 1, 2006.