

# Bill as Introduced

SB 263 - AS INTRODUCED

2014 SESSION

14-2697  
05/01

SENATE BILL        **263**

AN ACT            allowing state court judges to solemnize marriages.

SPONSORS:        Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16; Sen. Soucy,  
Dist 18; Rep. M. Smith, Straf 6; Rep. Rowe, Hills 22; Rep. G. Hopper, Hills 2;  
Rep. Charron, Rock 4

COMMITTEE:      Judiciary

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ANALYSIS

This bill permits judges of the New Hampshire supreme court, superior court, and circuit court to solemnize marriages.

This bill is a request of the supreme court.

.....

Explanation:     Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT allowing state court judges to solemnize marriages.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Solemnization of Marriage by State Court Judge. Amend RSA 457:31, I to read as follows:

2 I. In a civil ceremony by a justice of the peace as commissioned by the state, *by a state*  
3 *supreme court justice, superior court judge, or circuit court judge*, and by judges of the  
4 United States appointed pursuant to Article III of the United States Constitution, by bankruptcy  
5 judges appointed pursuant to Article I of the United States Constitution, or by United States  
6 magistrate judges appointed pursuant to federal law; or

7 2 Judges of the United States and State of New Hampshire. Amend RSA 457:32-a to read as  
8 follows:

9 457:32-a Judges of the United States *and the State of New Hampshire*.

10 I. The secretary of state may issue a special license to *marry a couple within this state*:

11 (a) To a judge of the United States residing in this state who is appointed pursuant to  
12 Article III of the United States Constitution, to a judge of the United States Bankruptcy Court  
13 residing in this state and appointed pursuant to Article I of the United States Constitution, or to a  
14 United States magistrate judge residing in this state and appointed pursuant to federal law[~~,-to~~  
15 ~~marry a couple within the state~~]; or

16 (b) *To a state supreme court justice, superior court judge, or circuit court judge.*

17 II. There shall be a fee of \$25 for each such license, and the secretary of state shall maintain  
18 a record of all such special licenses issued. A copy of the marriage license of the couple proposed to  
19 be married shall be filed with the secretary of state who shall maintain a permanent record of all  
20 such marriage licenses and the name and residence of the judge or magistrate performing the  
21 ceremony.

22 3 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

**HOUSE COMMITTEE ON JUDICIARY**  
**PUBLIC HEARING ON SENATE BILL 263**

**BILL TITLE:** allowing state court judges to solemnize marriages.

**DATE:** April 1, 2014

**LOB ROOM:** 208      **Time Public Hearing Called to Order:** 11:00 am

**Time Adjourned:** 11:10 am

(please circle if present)

**Committee Members:** Reps. Marjorie ~~Smith~~, ~~Wall~~, ~~P. Sullivan~~, ~~Horrigan~~, ~~Watrous~~, ~~Hackel~~, ~~Woodbury~~, ~~Berch~~, ~~Phillips~~, ~~Gale~~, ~~Helfron~~, ~~Rowe~~, ~~Luther~~, ~~Sylvia~~, ~~Hopper~~, ~~Peterson~~, ~~Takesian~~, ~~Kappler~~ and ~~Hagan~~.

**Bill Sponsors:** Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16; Sen. Soucy, Dist 18; Rep. M. Smith, Straf 6; Rep. Rowe, Hills 22; Rep. G. Hopper, Hills 2; Rep. Charron, Rock 4

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**Brendan Hopkinson, Senate Intern**

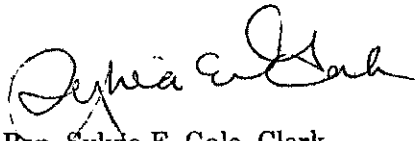
Introduced the bill to the committee on behalf of Senator Sharon Carson, prime sponsor.

**Stephen Wurtz, Secretary of State, State Registrar, Division of Vital Records - support**

**Howard Zibel, Esq., New Hampshire Supreme Court, Judicial Branch - support**

The bill was filed at the request of the Supreme Court; it would formally allow New Hampshire judicial members to perform/solemnize marriages.

Respectfully submitted,



Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SENATE BILL 263

BILL TITLE: allowing state court judges to solemnize marriages.

DATE: 4/1/14

LOB ROOM: 208

Time Public Hearing Called to Order: 11:00 Am

Time Adjourned: 11:10 Am

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, Kappler and Hagan.

Bill Sponsors: Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16; Sen. Soucy, Dist 18; Rep. M. Smith, Straf 6; Rep. Rowe, Hills 22; Rep. G. Hopper, Hills 2; Rep. Charron, Rock 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

- (+) Brendan Hopkinson (Intern) on behalf of Sen Carson to introduce bill
- (+) Stephen Wurtz - Secy of State - State Registrar, Division of Vital Records
- (+) H Zibel - Judicial Branch - bill filed at request of the Supreme Court that would formally allow NH judicial members to perform/solemnize marriages.

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



# Voting Sheets

**HOUSE COMMITTEE ON JUDICIARY**  
**EXECUTIVE SESSION on SENATE BILL 263**

**BILL TITLE:** allowing state court judges to solemnize marriages.

**DATE:** April 8, 2014

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:**  OTP,  OTP/A,  ITL,  Interim Study (Please circle one.)

Moved by Rep. Sullivan

Seconded by Rep. Rowe

Vote: 16-1 (Please attach record of roll call vote.)

**Motions:**  OTP,  OTP/A,  ITL,  Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

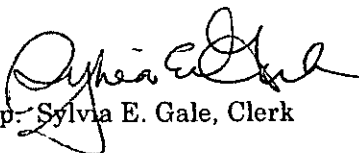
Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**  YES  NO

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. Sylvia E. Gale, Clerk

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HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION on SENATE BILL 263

**BILL TITLE:** allowing state court judges to solemnize marriages.

**DATE:** 4/8/14

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:**  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep. Sullivan

Seconded by Rep. Rowe

Vote: (Please attach record of roll call vote.) 16-1

**Motions:**  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/30/2014 12:30:23 PM  
Roll Call Committee Registers  
Report

2014 SESSION

JUDICIARY

Bill #: SB 243

Title: allowing state court judges to solemnize marriages.

PH Date: 1/1

Exec Session Date: 4.8.14

Motion: OT P

Amendment #: \_\_\_\_\_

| MEMBER                      | YEAS      | NAYS     |
|-----------------------------|-----------|----------|
| Smith, Marjorie K, Chairman | 16        |          |
| Wall, Janet G, V Chairman   | 1         |          |
| Hackel, Paul L              | 2         |          |
| Watrous, Rick H             | 3         |          |
| Sullivan, Peter M           | 4         |          |
| Horrigan, Timothy O         | 5         |          |
| Berch, Paul S               | 6         |          |
| Gale, Sylvia E, Clerk       | 7         |          |
| Heffron, Frank H            | 8         |          |
| Phillips, Larry R           | 9         |          |
| Woodbury, David             | 10        |          |
| Rowe, Robert H,             | 11        |          |
| Hagan, Joseph M             | 12        |          |
| Peterson, Lenette M,        |           |          |
| Hopper, Gary S              |           |          |
| Kappler, Lawrence M         | 13        |          |
| Luther, Robert A            | 14        |          |
| Sylvia, Michael J           |           | 1        |
| Takesian, Charlene F        | 15        |          |
| <b>TOTAL VOTE:</b>          | <b>16</b> | <b>1</b> |

# Committee Report

**CONSENT CALENDAR**

**April 10, 2014**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on JUDICIARY to which was referred  
SB 263,**

**AN ACT allowing state court judges to solemnize  
marriages. Having considered the same, report the  
same with the recommendation that the bill OUGHT TO  
PASS.**

**Rep. Peter M. Sullivan**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |  |
|-------------------|--|
| Committee:        | <b>JUDICIARY</b>   |
| Bill Number:      | <b>SB 263</b>  |
| Title:            | <b>allowing state court judges to solemnize marriages.</b> |
| Date:             | <b>April 10, 2014</b>                                      |
| Consent Calendar: | <b>YES</b>   |
| Recommendation:   | <b>OUGHT TO PASS</b>                                       |

### STATEMENT OF INTENT

Current law is not clear as to whether state court judges are permitted to solemnize marriages. This bill clarifies the law and grants New Hampshire supreme, superior and circuit court judges the authority to solemnize marriages within the state. Federal judges already have such authority under statute and this bill brings their state counter parts under the same provision.

Vote 16-1.

Rep. Peter M. Sullivan  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **JUDICIARY**

**SB 263**, allowing state court judges to solemnize marriages. **OUGHT TO PASS.**

Rep. Peter M. Sullivan for JUDICIARY. Current law is not clear as to whether state court judges are permitted to solemnize marriages. This bill clarifies the law and grants New Hampshire supreme, superior and circuit court judges the authority to solemnize marriages within the state. Federal judges already have such authority under statute and this bill brings their state counterparts under the same provision. **Vote 16-1.**

**Original: House Clerk**

**Cc: Committee Bill File**



**CONSENT CALENDAR**

**JUDICIARY**

**SB 263, allowing state court judges to solemnize marriages.**

**OUGHT TO PASS**

**VOTE: 16-1**

**REP. PETER M. SULLIVAN**

Current law is not clear as to whether state court judges are permitted to solemnize marriages. This bill clarifies the law and grants New Hampshire supreme, superior and circuit court judges the authority to solemnize marriages within the state. Federal judges already have such authority under statute and this bill brings their state counter parts under the same provision.

OK  
MK ✓

- Sullivan

# COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: SB 263

TITLE: allowing state court judges to solemnize marriages.

DATE: 4/9/11 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

|                        |
|------------------------|
| Amendment No.<br>_____ |
|------------------------|

### STATEMENT OF INTENT:

Current law is not clear as to whether state court judges are permitted to solemnize marriages.

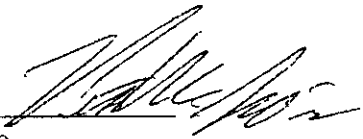
SB 263 clarifies the law and grants New Hampshire supreme, superior, and circuit court judges the authority to solemnize marriages within the state. Federal judges already have such authority under statute, and this bill brings their state counterparts under the same provision.

OK MKS

COMMITTEE VOTE: 16-1

RESPECTFULLY SUBMITTED,

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Copy to Committee Bill File</li> <li>• Use Another Report for Minority Report</li> </ul> |
|---|

Rep. Peter M. Sullivan   
For the Committee