

**REGULAR CALENDAR**

**January 22, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Judiciary to which  
was referred HB 295-FN-A,**

**AN ACT establishing a special marriage officiant license.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Charlotte DiLorenzo**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	January 22, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

**STATEMENT OF INTENT**

This bill establishes a special marriage officiant license which authorizes an individual to solemnize a marriage in the State of New Hampshire. The temporary officiant license is a one-day event and allows the marriage partners to choose a relative or friend to perform the solemnization ceremony at avenue of the couple's choice, for example, at a private residence or on top on one of New Hampshire's majestic mountains or along New Hampshire sparkling sea shore. A portion of the license fee will be allocated to the NH Department of Health and Human Services for deposit in the fund for domestic costs associated with the issuance of the license.

Vote 11-8.

Rep. Charlotte DiLorenzo  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**HB 295-FN-A**, establishing a special marriage officiant license. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte DiLorenzo for the **Majority** of Judiciary. This bill establishes a special marriage officiant license which authorizes an individual to solemnize a marriage in the State of New Hampshire. The temporary officiant license is a one-day event and allows the marriage partners to choose a relative or friend to perform the solemnization ceremony at avenue of the couple's choice, for example, at a private residence or on top on one of New Hampshire's majestic mountains or along New Hampshire sparkling sea shore. A portion of the license fee will be allocated to the NH Department of Health and Human Services for deposit in the fund for domestic costs associated with the issuance of the license. **Vote 11-8.**

# COMMITTEE REPORT

*SPLIT*  
*OK*  
*MKS*

COMMITTEE: Judiciary  
BILL NUMBER: HB 295  
TITLE: \_\_\_\_\_

DATE: 1.22.20 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.  
\_\_\_\_\_

STATEMENT OF INTENT:

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COMMITTEE VOTE: 11-8

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Charlette McHugh  
For the Committee

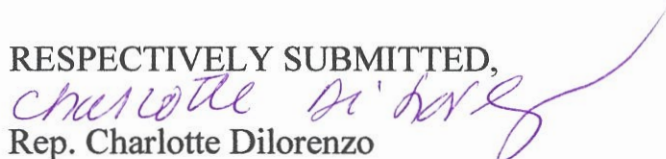
**HOUSE BILL 295-FN-A** Date 01/22/2019

AN ACT establishing a special marriage officiant license. OUGHT TO PASS.

This bill establishes a special marriage officiant license which authorizes an individual to solemnize a marriage in the State of New Hampshire. The temporary officiant license is a one day, one event license and allows the marriage partners to choose a relative or friend to perform the solemnization ceremony at a venue of the couple's choice for example at a private residence or on top of one of New Hampshire's majestic mountains or along New Hampshire's sparkling sea shore. A portion of the license fee will be allocated to the NH Department of Health and Human Services for deposit in the fund for domestic violence programs and a portion will be retained by the NH Secretary of State for administrative costs associated with the issuance of the license.

COMMITTEE VOTE 11-8

RESPECTIVELY SUBMITTED,

  
Rep. Charlotte Dilorenzo  
For the Committee

**REGULAR CALENDAR**

**January 22, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Judiciary to which  
was referred HB 295-FN-A,**

**AN ACT establishing a special marriage officiant license.**

**Having considered the same, and being unable to agree  
with the Majority, report with the following resolution:**

**RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Jason Janvrin**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	January 22, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

**STATEMENT OF INTENT**

This bill would allow persona other than clergy and officials of the state to solemnize a marriage in the state. Proponents would argue that allowing this would be boost to the state economy by allowing destination marriages all the while boosting revenue to the fund for domestic violence programs. The minority of the committee believes that, with more Justices of the Peace than mergers of the General Court, that such a license would lead to errors or commissions on certifying the marriages perform and make the reporting to the town and city clerks difficult to accomplish if they are not performed by an official of the state or a clergy member

Rep. Jason Janvrin  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**HB 295-FN-A**, establishing a special marriage officiant license. **INEXPEDIENT TO LEGISLATE.** Rep. Jason Janvrin for the **Minority** of Judiciary. This bill would allow persons other than clergy and officials of the state to solemnize a marriage in the state. Proponents would argue that allowing this would be a boost to the state economy by allowing destination marriages all the while boosting revenue to the fund for domestic violence programs. The minority of the committee believes that, with more Justices of the Peace than mergers of the General Court, that such a license would lead to errors or commissions on certifying the marriages performed and make the reporting to the town and city clerks difficult to accomplish if they are not performed by an official of the state or a clergy member.



JANVRIN

MINORITY REPORT

OK MK

COMMITTEE: JUDICIARY

BILL NUMBER: HB 295

TITLE: ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE

DATE: 1/22/2019 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. _____
------------------------

STATEMENT OF INTENT:

HB 295 would ALLOW PERSONS OTHER THAN CLERGY AND OFFICIALS OF THE STATE TO SOLEMNIZE A MARRIAGE IN THE STATE. PROPOONENTS WOULD ARGUE THAT ALLOWING THIS WOULD BE A BOOST TO THE STATE ECONOMY BY ALLOWING \*DESTINATION MARRIAGES ALL WHILE BOOSTING REVENUE TO THE FUND FOR DOMESTIC VIOLENCE PROGRAMS.

THE MINORITY OF THE COMMITTEE BELIEVES THAT, WITH MORE JUSTICES OF THE PEACE THAN MEMBERS OF THE GENERAL COURT, THAT SUCH A LICENSE WOULD LEAD TO ERRORS OR OMISSIONS ON CERTIFYING THE MARRIAGES PERFORMED, AND MAKE THE REPORTING TO THE TOWN AND CITY CLERKS DIFFICULT TO ACCOMPLISH IF THEY ARE NOT PERFORMED BY AN OFFICIAL OF THE STATE OR A CLERGY MEMBER.

COMMITTEE VOTE: 11-0

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File
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Rep. JANVRIN  
For the Minority

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION on HB 295-FN-A

**BILL TITLE:** establishing a special marriage officiant license.

**DATE:** January 22, 2019

**LOB ROOM:** 208

**MOTIONS:** OUGHT TO PASS

Moved by Rep. DiLorenzo

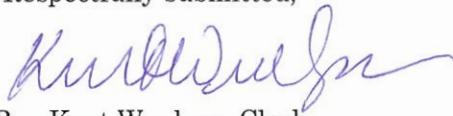
Seconded by Rep. Burroughs

Vote: 11-8

**CONSENT CALENDAR: NO**

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

Respectfully submitted,



Rep Kurt Wuelper, Clerk



OFFICE OF THE HOUSE CLERK

1/14/2019 3:22:32 PM  
 Roll Call Committee Registers  
 Report



2019 SESSION

Judiciary

Bill #: HB 295 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 1-22-20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Marjorie K. Chairman	✓		
Keans, Sandra B. Vice Chairman	✓		
Berch, Paul S.	✓		
Horrigan, Timothy O.		✓	
Woodbury, David	✓		
Altschiller, Debra	✓		
DiLorenzo, Charlotte I.	✓		
Burroughs, Anita D.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
Stevens, Deb	✓		
Hopper, Gary S.		✓	
Sylvia, Michael J.		✓	
Wuelper, Kurt F. Clerk	ab		
Gordon, Edward M.		✓	
Janvrin, Jason A.		✓	
Griffin, Barbara J.		✓	
McLean, Mark		✓	
Alexander, Joe H.		✓	
<b>TOTAL VOTE:</b>			

11 8

# Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 295-FN-A

**BILL TITLE:** establishing a special marriage officiant license.

**DATE:** March 6, 2019

**LOB ROOM:** 208

**Time Public Hearing Called to Order:** 10:00 AM

**Time Adjourned:** 10:27 AM

**Committee Members:** Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr.

**Bill Sponsors:**

Rep. Cushing

Rep. Butler

Rep. Altschiller

Rep. DiLorenzo

Rep. Schultz

Rep. Frost

Rep. McConnell

Rep. Bushway

Sen. Fuller Clark

Sen. Chandley

Sen. Hennessey

Sen. Carson

TESTIMONY

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

**Rep. Cushing, Bill Sponsor - support**

Bill establishes a new office of "marriage officiant" which opens the door to anyone to solemnize on (only) marriage. This helps encourage "marriage tourism." The increased fee would support domestic violence fund. Bill is modeled on what they do in Vermont.

**Question** - Rep. Woodbury - Under today's law, could I have a Justice present when another performs the ceremony? Would that make the marriage legal?

**Answer** - Yes.

**Question** - Rep. Chase - Would applicants know all they should do?

**Answer** - Yes - instructions on application.

**Question** - Rep. Burroughs - Can one become an ordained minister online for \$25?

**Answer** - Don't really know.

**Question** - Rep. Griffin - "Corresponding license" means marriage license?

**Answer** - Yes.

Think we have something similar elsewhere.

**Question** - Rep. Wuelper - Number of applicants in fiscal note reasonable?

**Answer** - Vermont actually has around that number.

**Question** - Rep. Smith - What does "solemnize" mean?

**Answer** - Make the marriage formal. As a Justice of Peace and refer to my duty using that word.

**\*Loretta Jay, Justice of the Peace Association - oppose**

The law requires witnessing of the ceremony, affirmation of it, and completing paperwork accurately. Massachusetts has similar law and a survey of Massachusetts town clerks show 27% of marriages are not properly completed and thus not lawful. They are working to get Massachusetts' law changed. Temporary officiant may not know or enforce New Hampshire marriage law but Justice of Peace will. They think a Justice of Peace should be present.

**Question** - Rep. McLean - Did you really say 90% of temporary officiant marriages were not properly done?

**Answer** - No - up to 90% reported by town clerks.

**Question** - Rep. Keans - Is Massachusetts's paperwork similar to New Hampshire's?

Answer - Massachusetts form is seven lines with clear instructions.

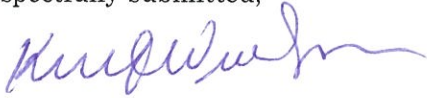
**Rep. Pat Bushway - support**

**Rep. McConnell - support**

**Mike Brewster - support**

His daughter did this in Massachusetts and it worked fine.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kurt Wuelper", with a stylized flourish at the end.

Rep. Kurt Wuelper, Clerk



HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 295-FN-A

BILL TITLE: establishing a special marriage officiant license.

DATE:

ROOM: 208

Time Public Hearing Called to Order: 10:00

Time Adjourned: 10:27

(please circle if present)

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr.

Bill Sponsors:

Rep. Cushing  
Rep. DiLorenzo  
Rep. McConnell  
Sen. Chandley

Rep. Butler  
Rep. Schultz  
Rep. Bushway  
Sen. Hennessey

Rep. Altschiller  
Rep. Frost  
Sen. Fuller Clark  
Sen. Carson

TESTIMONY

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

- ① Rep Cushing: Prime Sponsor - introduced - Bill establishes a new office of "marriage officiant" which opens the door to anyone to solemnize one (only) marriage. This helps encourage "marriage tourism". The increased fee would support domestic violence fund.
- ② Loretta Jay\* - Justice of the Peace Assoc - Opposes -
- ③ Rep. Bushway - Hampton - Supports -
- ④ Rep McConnell - Brentwood - Supports
- ⑤ Mike Brewster - Supports - his daughter did this in Mass and it worked fine

Kud

1-16-2019

HP 295  
① Rep (cont) (cont)

① of 2

Q Under today's law, could I have a Justice present  
But is mandated on what they do in Vermont.

~~that not perform ceremony, when another performs~~  
ceremony, event that make marriage legal?

Ag Yes

Q Charles - would applicants <sup>know</sup> all they should do?  
A Yes - just the ~~event~~ <sup>instructions on application</sup>

Q Burt: Can one become ordained Minister online for \$25?

Ag don't really know

Q GRR: "conveying license" means marriage license?

Ag Yes

Think we have something similar elsewhere

Q What's the number ~~in~~ of applicants in total not necessary?

Ag Vermont actually has around that number

Q Smith: what does "solemnizing" mean?

Ag make the marriage formal. As a Justice & Peace I

refer to my duty using that word

③ Justice Jay

The law requires solemnizing of the ceremony ~~and~~,  
affirmation of it, and completing paperwork accurately.

Man. has similar law and a survey of Man. Court

elude about 27% ~~of~~ <sup>not this not this</sup> marriages are not properly

completed. They are working to get plans law changed. Temporary

officiant may not know or enforce all marriage law but

Justice & Peace will. They think a Justice Peace should

be present.

1-16-2019

HB295

(2) 22

Loretta Jay

Q McLean: Did you really say 90% of temporary officiant marriages were not properly done?

A: No up to 90% reported by town clerks ~~was~~ this checked

Q Keen: Is Mass paperwork similar in NH + Mass

A: Mass form is seven lines w/ clear instructions



# Testimony

11B295

CLERK

From: carolann.siebert@aol.com  
Subject: Act establishing a special Marriage Officiant License  
Date: January 15, 2019 at 8:33 PM  
To: admin@JPus.org  
Cc: Carolann Richardson Siebert carolann.siebert@aol.com

January 15, 2019

HB295-FN-A An ACT ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE

Senator Doyle, Senator Kissel, Reprehensive Tong and members of the Judiciary Committee.

My Name is Carol Ann Siebert and I am a Registered Voter, an New Hampshire Notary also a Justice of the Peace in the Town of Merrimack, N.H. I am also a member of the Justice of the Peace Association.

I strongly oppose House Bill HB295-FN-A specifically as it relates to authorizing lay people to perform a single Marriage Ceremony.

Let me begin by saying,  
"Marriage is a Sacred Bond and should not be entered into lightly". **Nor should the officiant!**

It actually frightens me to think a lay person who has know knowledge of what he or she is suppose to say or do actually Officiate a Marriage.

What Oath will a same day Officiant take? As for us as JP's we take an oath.

Does the Officiant have a Criminal Record? JP's are checked for Criminal Background.

What words of wisdom is the Officiant delivering in their Ceremony and Vows to the Bridal Couple, that they may continue to stay Married? JP's write encouraging words of Wisdom to be delivered in hopes they live happily ever after.

What Repercussions does the Officiant have if they do not deliver or report the Marriage has taken place?

As JP's we have 6 to 7 days to return the Marriage License or face a fine or if not reported we face possible imprisonment.

What Guide lines does the Officiant have or what are they responsible for as a same day Officiant. JP's follow all the Guide lines by laws or by the laws of the town.

I feel it will crate a great deal of chaos and double the work loads of the town clerks for what I have witnessed and actually helped them to find out the information they needed to complete there filing. such as missing signatures or hard to read signatures and other errors in the paperwork as spelling errors

Marriage License not returned on time within the law. They are given back to the Bride and Groom to be delivered to the town. Are they reported, forged, or delivered after the Honeymoon. The town clerks are just about giving up on Non JP's delivering Marriage licenses in time or delivering them at all. It is the Officiants duty to deliver these Marriage Licenses. Instead of waiting for the Officiant to return the Marriage license the towns are saying "I give up". We will take them from the Bride and Groom. The reason being the town doesn't have time to wait for the Officiant to show up. So, they become back logged.

When, where and how did the marriage take place. I have seen a Marriage take place on a Golf Course which actually was in New Hampshire but the Boundaries were so close the couple was actually married in Maine.

Imagine reporting to a couple that their Marriage is invalid! It could open up a possible Civil Suite.

Is the Officiant a Registered Voter, a Felon, under the influence or Alcohol, is he or she loose with the law and care of the integrity of the Marriage license? Who are these Officiants? We need two signatures of Good Faith from a Notary or another JP. Plus we are also Registered Voters of 3 years or longer.

As a professional Justice of the Peace I found this to be unfair to JP's. We bring expertise and competence to our role as a Marriage Officiant. How serious can one be about marriage if any person on the street is allowed to Officiate a Marriage.

As a Justice of the Peace we care and love what we do. We not only serve and honor our couples we protect our couples from disasters and encourage marriage to last a life time. We stand in professional attire, read and conduct our manners in a professional way and bring to family and friends of the couple a real feeling of being there in Marriage Bliss.

As a Justice of the Peace , I give a 100% and I can't see a one day Officiant doing that. I have witnessed ceremonies in the past however where the family wanted to Officiate the ceremony and I witnessed the I do" and Pronounced the couple as married at the end of the ceremony. That worked however there was a lot of premarital drinking going on.

Jp's also direct and answer questions if they should arise such a the New Hampshire law of changing the and take on last name of their Husbands .RSA 263:9 We help couples with these things.

I believe in Marriage, my personal opinion is if this type of law exist I fear Marriage will become a circus and not truly taken. Please vote NO on this proposed law.

Thank you for allowing me to speak,  
Carol A. Siebert, Justice of the Peace



New Hampshire House of Representatives  
Public Hearing before the Judiciary Committee  
January 16, 2019

**Statement of Loretta Jay, Managing Member of the Justice of the Peace Association**

Re: **HB 295-FN-A** AN ACT ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE

Dear Chairman Marjorie Smith, Vice Chair Sandra Keans, and distinguished members of the Judiciary Committee:

I am the managing member of the Justice of the Peace Association (JPUS), a professional organization providing news, networking and education to justices of the peace (JP). Our membership includes New Hampshire JPs in addition to JPs from other New England states. **I ask you to vote No on HB 295-FN-A, An Act establishing a special marriage officiant license.**

Justices of the Peace are professionals who have been appointed and entrusted to certify an act of marriage that is legally binding. The state recognizes this responsibility, describing the JP's oath as "more than just ceremony (to) be taken seriously." Furthermore, JPUS also expects JPs to perform their duties with honor and integrity, as all members must adhere to and abide by its Code of Ethics <sup>Attachment 1</sup>.

Relegating this official role to a temporary officiant is misguided for several reasons.

- 1. HB 295-FN-A fails to recognize that JPs bring expertise and competence to their role as marriage officiants.**

In addition to complying with the terms of New Hampshire's *Justice of the Peace Manual*, JPs are continually seeking ways to improve the performance of their duties through trainings, research and collaboration with other JPs. Permitting temporary officiants disrespects the competent service that these professionals provide.

While the wedding ceremony is what most people think about when they consider an officiant, the recording of the marriage is most important, not what is said during the ceremony. JPs must attest to the accuracy of the marriage license, verify that the parties are willing participants and then complete all required paperwork and file it with the Town Clerk within six days of the ceremony. Failure to comply with requirements may result in a fine, for instance, performing the ceremony prior to having the marriage license in-hand.

- 2. HB 295-FN-A will burden municipal town clerks with the time consuming responsibility of rectifying the inevitable errors made by Temporary Officiants.**

While the Secretary of the State (SOTS) may issue the temporary officiant designation, the marriage license must still be processed with the town clerk; the state statute doesn't allow for an alternative. This will result in a drain on already limited town resources as the town clerks try to complete the process.



This is not just speculation. New Hampshire can learn from neighboring Massachusetts' experience with its temporary officiant rule, called a One-Day Designation. Its implementation has been wrought with problems. Last year JPUS asked Massachusetts town clerks about their experiences with the One-Day Designation. In less than a day we received 27 replies identifying significant problems when a lay officiant was involved <sup>Attachment 2</sup>. The clerks complained that the problems occurred up to 90% of the time, and that dealing with the One-Day Solemnizers doubled the amount of work they had to do.

Westport, MA's Town Clerk, Marlene Samson's description captured the feedback of many, "We have had numerous mistakes made by the Solemnizers. When my office issues a marriage license, we include an instruction sheet for the person conducting the ceremony. All they have to do is follow that sheet, but we all know that people just don't read. I've had to call the officiants to ask if the ceremony took place and if so, where the completed license is. I can't tell you how many times, because of mistakes, my office has had to retype a license, send it back to the officiant for their signature and wait for them to return it to me."

### **3. HB 295-FN-A would jeopardize the integrity of the marriage license.**

Marriage licenses are legal documents, and their accuracy is critical. Town clerks aren't just nit picking when they complain about errors; they (along with Justices of the Peace) have a legal obligation to make sure the information on the marriage license is accurate. Besides inadvertent errors, town clerks will have no way of ensuring the truthfulness of the information provided.

In New Hampshire no one under the age of 16 may wed. The JP is another partner in our system making sure that laws are followed and our children are protected.

### **4. If HB 295-FN-A is enacted, couples who use a temporary officiant may unwittingly jeopardize the validity of their marriage.**

While a couple's motivation to have a friend or family member officiate at their wedding ceremony is understandable, it is hard to imagine any would want it at the risk of invalidating their legal status as a married couple. Of course when this happens the consequences can be serious.

James F. Hegarty, Southborough, MA Town Clerk wrote, "In one recent instance, we had to resend corrected versions of the license on four occasions to the same person who was a One-Day Solemnizer for his buddy from college. The delays lasted more than a month and prevented us from being able to issue a certified marriage copy of a valid marriage certificate. That in turn caused major headaches for the couple because the groom's employer would not add the bride to his medical insurance without proof of marriage. It also caused issues with a closing for a house."

### **5. The methodology used in HB 295-FN-A's fiscal note relies on flawed premises.**

While we commend the impetus behind this bill to drive additional funding for domestic violence programs, we question the assumptions used to determine the number of anticipated applicants and the estimated income generated.

- a) On-line ministers are religious, while temporary officiants, like JPs, would be secular. It is unlikely that couples would substitute one for the other. The temporary officiants would more likely supplant the professional JPs.
- b) In addition, the national trend is that couples are choosing secular ceremonies. In Massachusetts the number of One-Day officiants increased exponentially by 322% during the past decade <sup>Attachment 3</sup>; a similar tendency can be expected in New Hampshire.
- c) When considering the likelihood of errors made, temporary officiants may very well overwhelm town clerks and burden municipalities with twice the workload, creating an unfunded mandate. This will negate any positive income generated from the application fees, and may actually create a loss.
- d) Another consequence may be the resignation of professional JPs if they feel belittled and the demand for services decreases. The JP application fee is \$75, and this will become another funding shortfall to the state.

There are alternatives to delegitimizing the role of the professional Justice of the Peace that will work for everyone. JPus encourages couples who want a friend or family member to officiate to work with a JP who will incorporate that special person into the ceremony. JPs are flexible, and their goal is to help the couple achieve their vision for the day. We included these suggestions:

- The JP witnesses the ceremony (performed by the friend), and then submits the paperwork
- The JP acts as a coach, meeting with the couple and supporting the friend/family member through the process; the JP then witnesses the ceremony and submits the paperwork

Justices of the Peace hold an important and legally binding role in New Hampshire. They take this responsibility very seriously, dedicating time and energy to perfecting their trade and performing their duties professionally. Relegating these responsibilities to an amateur is dismissive of the JP's value, negating the consequential duties that they swear to uphold. In addition, this bill will likely create very real problems for couples and municipal clerks, and call the validity of marriage documents into question.

**Please vote No on HB 295-FN-A.**

Thank you for this opportunity to share these concerns. I am available to discuss further at your convenience.

Respectfully,



Loretta Jay, MA  
Managing Member  
Justice of the Peace Association  
203.255.7703  
[lorettajay@JPus.org](mailto:lorettajay@JPus.org)

## Attachments

### Attachment 1: Code of Ethics

#### Code of Ethics Justice of the Peace Association

As a member of the Justice of the Peace Association, having accepted the responsibility of the office of Justice of the Peace, in order to faithfully discharge my duties with both competence and integrity, I resolve that I will adhere to the following standards of conduct:

- To execute the statutes of the State in which I am empowered, as promised when I took the oath of office
- To perform all tasks and responsibilities to the best of my ability
- To complete and submit all documentation accurately, on time and to the proper authorities
- To be honest with my clients and to act in their best interests
- To charge a fee for my services that reflects my expertise, effort, time and involvement in the preparation and performance of my duties and that is in compliance with state statute, if applicable
- To always act in a manner that reflects favorably on myself, my office, and the Justice of the Peace Association.

### Attachment 2: MA Town Clerk Testaments

*Received by email on March 7, 2018*

*Following is a partial selection of the emails JPUS received on March 7, 2018 from Massachusetts Town Clerks about the state's One-Day Solemnizer rule. Testaments edited for brevity and clarity.*

I had a lady come in asking to receive a certified copy of her Marriage Certificate. I looked high and low for the license, only to find out that her friend who officiated the wedding said that that he took care of all the paperwork. WRONG. The bride thought she was married. **She was so embarrassed to find that her 200 attendees went to a false wedding.**

- Theresa T. Bunce, CMC/CMMC, Dennis Town Clerk, Notary Public, Justice of the Peace, Board of Registrar, Burial Agent, RAO, Chief Election Official

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One-Day Solemnizers don't complete the license correctly (despite being provided instructions) and often we have to return it to them to complete another correctly. **This prevents the couple from obtaining an official certificate proving their marriage and sometimes obtaining health insurance etc.**

- Danielle Sicard, Easton Town Clerk

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**The problem with over 90% of the certificates is that the solemnizers do not follow the detailed instructions** we provide on how to complete their portion properly. All of these errors mean we have to type out new certificates. Also, we have problems with their not mailing or bringing in the certificates on time.

- Claudette C. Dolinski, Blackstone Town Clerk

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The One-Day Solemnizers routinely don't fill out the paperwork correctly, and that causes headaches for the couple and the clerk to record the marriage. **One-day people are loose with the law – they put dates that are not true, they just sign it without any ceremony at all, I've heard people do it by phone or Skype!**

- Kathleen F Nagle, Wellesley Town Clerk

---

**The One-Day Solemnizations are an administrative nightmare for Clerk's.** My thoughts are to have a licensed JP or Clergy only to perform ceremonies and if the couple want to have someone there to say a few words, that would work out fine but leave the legal paperwork to the professionals!

- Marianne Staples, Mansfield Town Clerk, Justice of the Peace

---

One day Solemnizer is one of the worst ideas. My office estimates 4 in 5 marriage licenses are sent back to us incorrect. They involve the license being done over by my staff and re-signed by the ODS. **This makes for delay in issuing a marriage certificate and also is twice the work for my office.**

- Laura Caruso, Sutton Town Clerk

---

Quite often **marriage licenses that are returned to us for recording by one-day solemnizers have at least one error, even though there are only seven lines.** Sometimes they are not returned and therefore the marriage is not recorded.

- Lori A. Kelley, CMC/CMMC, Oxford Town Clerk

---

**We have had to retype many certificates** due to (wrong town) error. They are not sure what their designation. Some think they're a JP. They keep the solemnization certificate and we have to chase the person or the bride/groom, which holds up recording the record. Many think that it is for their personal records.

- Mary Ann Silva, Wareham Town Clerk

---

**They do not turn in the original or the 1-Day Solemnization form with the marriage license and we have to chase it down.** We also have had residents come in to get a certified copy of their marriage license only to find out that their marriage license was never sent back by the Solemnizer.

- Lucia Longhurst, Norton Town Clerk

---

The **one-day person frequently does not read the instructions** on filling out the marriage certificate – use blue ink, forget to sign etc. – so we still have to chase them down.

- Sue Fischer, Town Clerk Eastham

---

Many times the One-Day Solemnizers just don't know what they are doing. **We have written out explanation sheet and they still get it wrong when they fill out the license.** Then we have to track them down to get a new one signed.

- Amy Warfield, Burlington Town Clerk

---

**Someone framed the form as a gift to give to the couple** and I had to have them get it back from the couple. They have lost the license and come in like it is ok, "We had too much to drink do not know where it is." Fun! Fun! Fun!

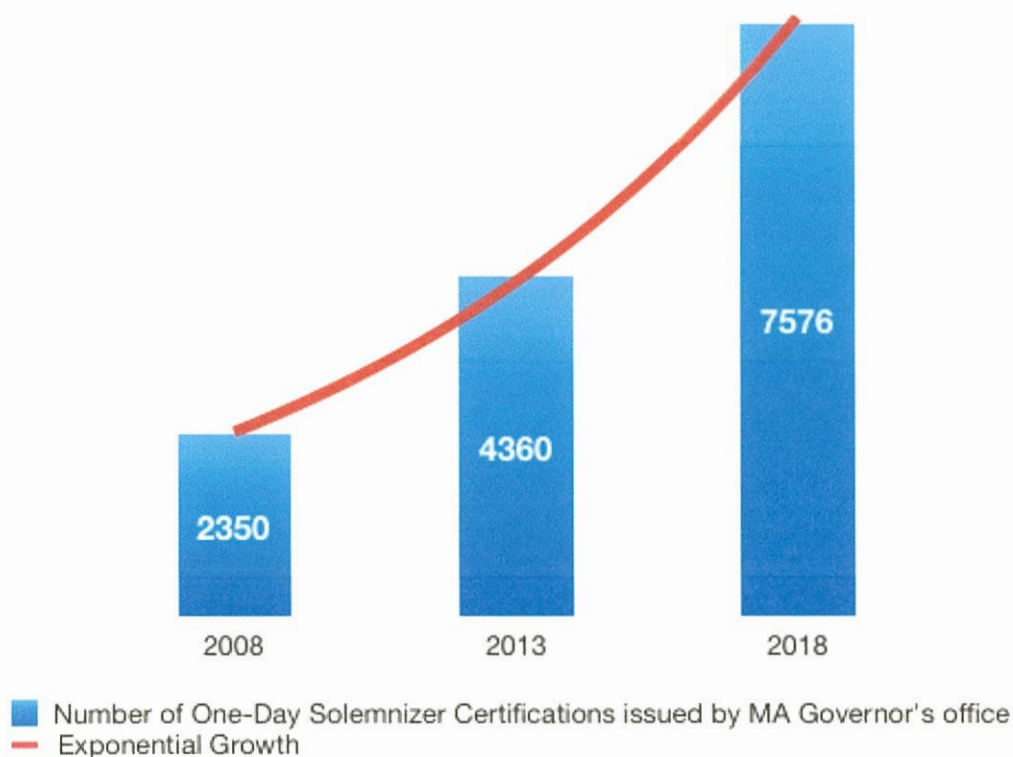
- Jane M. Murphy, Beverly Registrar of Voters

---

One Day Solemnizers do not seem to be able to read the large, bold, printed instructions on completing their portion of the license. This results in longer time to register a record with the state, and longer wait time for couple to receive their certified copy. Not to mention **more time for my office to do the work twice.**

- Ellen M. Glidden, Barre Town Clerk

### Attachment 3: MA Exponential Increase in One-Day Solemnizers



Source: MA Governor's Office

## Cossette, Nancy

---

**From:** Loretta Jay <lorettajay@gmail.com>  
**Sent:** Friday, January 18, 2019 2:38 PM  
**To:** Cossette, Nancy  
**Cc:** charliem1957@hotmail.com  
**Subject:** Fwd: Wedding officiant for a day -- Please vote NO on HB295-FN-A.

Hi Nancy,

Please enter this testimony into the Judiciary Committee's official record.

Thanks,  
Loretta

Loretta Jay, MA  
Justice of the Peace Association  
[lorettajay@JPus.org](mailto:lorettajay@JPus.org)  
o - 203.255.7703  
c - 203.984.8736

Begin forwarded message:

**From:** Pius Charles Murray <[charliem1957@hotmail.com](mailto:charliem1957@hotmail.com)>  
**Subject:** **Wedding officiant for a day -- Please vote NO on HB295-FN-A.**  
**Date:** January 17, 2019 at 5:13:31 PM EST  
**To:** "[Gerri.Cannon@leg.state.nh.us](mailto:Gerri.Cannon@leg.state.nh.us)" <[Gerri.Cannon@leg.state.nh.us](mailto:Gerri.Cannon@leg.state.nh.us)>, "[Wendy.Chase@leg.state.nh.us](mailto:Wendy.Chase@leg.state.nh.us)" <[Wendy.Chase@leg.state.nh.us](mailto:Wendy.Chase@leg.state.nh.us)>, "[Cecilia.Rich@leg.state.nh.us](mailto:Cecilia.Rich@leg.state.nh.us)" <[Cecilia.Rich@leg.state.nh.us](mailto:Cecilia.Rich@leg.state.nh.us)>  
**Cc:** "[marjorie.smith@leg.state.nh.us](mailto:marjorie.smith@leg.state.nh.us)" <[marjorie.smith@leg.state.nh.us](mailto:marjorie.smith@leg.state.nh.us)>, "[sandra.keans@yahoo.com](mailto:sandra.keans@yahoo.com)" <[sandra.keans@yahoo.com](mailto:sandra.keans@yahoo.com)>, "[kurt.wuelper@leg.state.nh.us](mailto:kurt.wuelper@leg.state.nh.us)" <[kurt.wuelper@leg.state.nh.us](mailto:kurt.wuelper@leg.state.nh.us)>

### Testimony before the House Judiciary Committee January 16, 2019

#### HB 295-FN-A AN ACT ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE

Dear Chairman Marjorie Smith, Vice Chair Sandra Keans, and members of the Judiciary Committee:

My name is Pius Murray and I am a registered voter in Somersworth, NHJ, a justice of the peace, as well as a member of the Justice of the Peace Association.

I am here to testify in opposition to House Bill 295-FN-A, specifically as it relates to authorizing lay people to perform a single marriage ceremony.

Since November 2016, I have functioned as a Justice of the Peace in the State of New Hampshire. The most unusual request that I have had as a New Hampshire Justice of the Peace is to sign warrants! I was prepared to perform civil wedding ceremonies – but not sign warrants even though I knew that signing warrants constitutes one of the responsibilities that justices of the peace may perform.

That justices of the peace are residents of New Hampshire is a major advantage over one-day wedding officiants who may be well-known to the couple but less well versed in local lore or vendors who cater to wedding celebrations. Perusal of many justice of the peace websites will show partnerships formed by the local justice of the

peace with numerous vendors who would offer special prices for their services. This saves couples money for an event that has an extravagant cost to begin with.

Furthermore, justices of the peace are ready and able to assist couples plan their wedding. Once a couple has accepted an offer by a justice of the peace to officiate at their wedding, justices of the peace commit to use of their time, knowledge, and expertise in providing the most meaningful matrimonial experience for the couple. This oftentimes takes months of planning, numerous phone calls, and emails. A one-day officiant is a one-time rental to essentially simply sign a piece of paper. Justices of the Peace offer availability for consultation, knowledge, and experience that constitute value-added services to marrying couples. They are not merely a signature on a form but because they are residents commissioned by the state they bring a commitment to representing the best of New Hampshire to newly created families.

It is important to remember that justices of the peace are commissioned to perform many other duties. These may include notarizing oaths, affirmations, and acknowledgements, take depositions, certify copies, witness signatures, take protests, and issue warrants as well as officiating at civil weddings. The one-day officiant reduces the role of the justice to the performance of civil weddings. Finally the one-day officiant may reduce a justice of the peace's income by more easily allowing a substitute officiant. Out of state clergy at least have a history with a couple. A one-day officiant may be a last-minute decision. Keeping track of one day officiants may also be problematic as Massachusetts is finding out.

Please vote NO on HB295-FN-A.

Thank you for this opportunity to speak and share my experience about how implementation of this bill would affect me.

Respectfully,

**Pius Murray**

*Somersworth, NH 03878*

Phone: [603-841-5836](tel:603-841-5836)

Email: [charliem1957@hotmail.com](mailto:charliem1957@hotmail.com)

HB 295-FN-A - AS INTRODUCED

2019 SESSION

19-0015  
05/04

HOUSE BILL            **295-FN-A**

AN ACT                establishing a special marriage officiant license.

SPONSORS:            Rep. Cushing, Rock. 21; Rep. Butler, Carr. 7; Rep. Altschiller, Rock. 19; Rep. DiLorenzo, Rock. 17; Rep. Schultz, Merr. 18; Rep. Frost, Straf. 16; Rep. McConnell, Rock. 11; Rep. Bushway, Rock. 21; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Hennessey, Dist 5; Sen. Carson, Dist 14

COMMITTEE:          Judiciary

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ANALYSIS

This bill establishes a special marriage officiant license which temporarily authorizes an individual to solemnize a marriage. A portion of the license fee shall be deposited in the fund for domestic violence programs.

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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 Nineteen*

AN ACT                    establishing a special marriage officiant license.

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

1            1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA  
2 457 by inserting after section 32-a the following new section:

3            457:32-b Special Marriage Officiant License.

4            I. The secretary of state may issue a special marriage officiant license to temporarily  
5 authorize an individual to solemnize a marriage in this state. Any individual who applies for a  
6 special marriage officiant license shall register with the secretary of state, complete the registration  
7 form prescribed by the secretary of state, and submit an \$85 fee to the department of state. The  
8 secretary of state shall forward \$80 of the fee to the department of health and human services for  
9 deposit in the fund for domestic violence programs, established in RSA 173-B:15, and shall retain  
10 the remainder of the fee for administrative costs associated with issuance of the license.

11            II. Upon registration as a special marriage officiant, the individual shall be authorized to  
12 solemnize only the civil marriage designated on the registration form and shall receive proof of such  
13 authority from the secretary of state. The individual's authority to solemnize the marriage shall  
14 expire at the same time as the corresponding license.

15            2 Effective Date. This act shall take effect 60 days after its passage.

HB 295-FN-A- FISCAL NOTE  
AS INTRODUCED

AN ACT establishing a special marriage officiant license.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$59,100	\$59,100	\$59,100	\$59,100
Expenditures	\$0	\$0	\$0	\$0
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Special fund for domestic violence programs (RSA 173-B:15)			

METHODOLOGY:

This bill would authorize the Secretary of State to issue a special marriage officiant license to temporarily authorize an individual to solemnize a marriage in this state. The legislation requires completion of a registration form and submission of an \$85 fee, \$80 which is to be forwarded to the Department of Health and Human Services for deposit in the fund for domestic violence programs established in RSA 173-B:15, and \$5 to be retained by the Secretary of State for administrative costs associated with the issuance of the license.

The Department of Health and Human Services states the number of licenses that would be requested is unknown. No additional staff would be needed to forward the funds for deposit in the fund for domestic violence programs but the task would require a re-allocation of existing staff time for this purpose within the current budget.

The Secretary of State's Office assumes that the individuals obtaining the proposed license would be the same ones who obtain on-line ordained minister credentials to qualify for the special marriage solemnization license issued to ordained ministers. The fee for that license is \$25. It is estimated that 985 individuals apply for the existing license annually, generating approximately \$24,625 per year (985 x \$25). This revenue currently goes to the general fund. The Secretary of State assumes under the bill, the same number of applicants (985) will now pay \$85 and will generate \$83,725 (985 x \$85 = \$83,725). Of this amount, \$78,800 (985 x \$80 = \$78,800) would go to the domestic violence fund. The Secretary of State assumes \$4,925 (985 x \$5 = \$4,925) would be retained by the Secretary of State for deposit into the general fund.

	<u>Type of License</u>	
	<u>Ordained Minister</u>	<u>Proposed Marriage</u>
	<u>Online</u>	<u>Officiant</u>
<b>License Fee</b>	<b>\$25</b>	<b>\$85</b>
<b>Estimated Annual Number of Applicants</b>	<b>985</b>	<b>985</b>
<b>Annual Revenue to General Fund</b>	<b>\$24,625</b>	<b>\$4,925</b>
<b>Annual Revenue to Domestic Violence Fund</b>	<b>\$0</b>	<b>\$78,800</b>
<b>Total Annual Revenue</b>	<b>\$24,625</b>	<b>\$83,725</b>

<b>Total Projected Annual Revenue</b>	<b>\$83,725</b>
<b>Less Current Total Annual Revenue</b>	<b>\$24,625</b>
<b>Net Projected Annual Revenue</b>	<b>\$59,100</b>

**AGENCIES CONTACTED:**

Department of State and Department of Health and Human Services

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# Committee Report

**REGULAR CALENDAR**

**March 27, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Ways and Means to  
which was referred HB 295-FN-A,**

**AN ACT establishing a special marriage officiant license.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Jennie Gomarlo**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	Ways and Means
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	March 27, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS <<Amendment #>>

**STATEMENT OF INTENT**

This bill allows the temporary authorization of any individual to solemnize a marriage in New Hampshire. The sponsor's intent is to increase destination marriages and tourism. The majority of the committee felt the bill's \$85 fee is reasonable. The bill is modeled after Vermont's law, where the fee is \$100. This bill sends \$80 to the DHHS for domestic violence programs, in like manner to our marriage license statute. It is estimated to raise \$25-80,000 for that purpose, with a potential for matching federal funds.

Vote 12-8.

Rep. Jennie Gomarlo  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Ways and Means

**HB 295-FN-A**, establishing a special marriage officiant license. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennie Gomarlo for the **Majority** of Ways and Means. This bill allows the temporary authorization of any individual to solemnize a marriage in New Hampshire. The sponsor's intent is to increase destination marriages and tourism. The majority of the committee felt the bill's \$85 fee is reasonable. The bill is modeled after Vermont's law, where the fee is \$100. This bill sends \$80 to the DHHS for domestic violence programs, in like manner to our marriage license statute. It is estimated to raise \$25-80,000 for that purpose, with a potential for matching federal funds. **Vote 12-8.**

Original: House Clerk  
Cc: Committee Bill File

**MAJORITY  
COMMITTEE REPORT**

Committee:	Ways and Means
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	March 27, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS <<Amendment #>>

**STATEMENT OF INTENT**

This bill allows the temporary authorization of any individual to solemnize a marriage in New Hampshire. The sponsor's intent is to increase destination marriages and tourism. The majority of the committee felt the bill's \$85 fee is reasonable. The bill is modeled after Vermont's law, where the fee is \$100. This bill sends \$80 to the DHHS for domestic violence programs, in like manner to our marriage license statute. It is estimated to raise \$25-80,000 for that purpose, with a potential for matching federal funds.

Vote 12-8.

Rep. Jennie Gomarlo  
FOR THE MAJORITY



Original: House Clerk  
Cc: Committee Bill File



Gomarlo

# COMMITTEE REPORT

COMMITTEE:

Ways and means

BILL NUMBER:

HB 295

TITLE:

Establishing a special marriage officiant license

DATE:

3/27/19

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.  
\_\_\_\_\_

STATEMENT OF INTENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE VOTE:

12-8

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Jessie Gomarlo  
For the Committee JG

**REGULAR CALENDAR**

**March 27, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Ways and Means to  
which was referred HB 295-FN-A,**

**AN ACT establishing a special marriage officiant license.**

**Having considered the same, and being unable to agree  
with the Majority, report with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. Alan Bershtein**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	Ways and Means
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	March 27, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1205h

**STATEMENT OF INTENT**

The primary purpose of this bill, as stated by the sponsor during introduction to the Ways and Means Committee, is to encourage destination weddings in NH. Enabling temporary authorization for individuals to solemnize a wedding will allow NH to be a more attractive venue for destination weddings. Amendment 1205h reduces the fee for the temporary license from \$85 to \$30. The reduction of the fee makes this bill even more persuasive towards the goal of attracting more destination weddings to the Granite State.

Rep. Alan Bershtein  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Ways and Means

**HB 295-FN-A**, establishing a special marriage officiant license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alan Bershtein for the **Minority** of Ways and Means. The primary purpose of this bill, as stated by the sponsor during introduction to the Ways and Means Committee, is to encourage destination weddings in NH. Enabling temporary authorization for individuals to solemnize a wedding will allow NH to be a more attractive venue for destination weddings. Amendment 1205h reduces the fee for the temporary license from \$85 to \$30. The reduction of the fee makes this bill even more persuasive towards the goal of attracting more destination weddings to the Granite State.

Original: House Clerk  
Cc: Committee Bill File

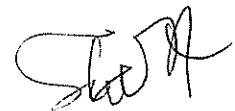
**MINORITY  
COMMITTEE REPORT**

Committee:	Ways and Means
Bill Number:	HB 295-FN-A
Title:	establishing a special marriage officiant license.
Date:	March 27, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1205h

**STATEMENT OF INTENT**

The primary purpose of HB 295, as stated by the sponsor during introduction to the Ways and Means committee, is to encourage destination weddings in NH. Enabling temporary authorization for individuals to solemnize a wedding will allow NH to be a more attractive venue for destination weddings. Amendment 1205h reduces the fee for the temporary license from \$85 to \$30. The reduction of the fee makes this bill even more persuasive towards the goal of attracting more destination weddings to the Granite State.

Rep. Alan Bershtein  
FOR THE MINORITY



Original: House Clerk  
Cc: Committee Bill File

MINORITY REPORT

Bershtein

COMMITTEE: Ways and Means

BILL NUMBER: 295

TITLE: Establishing a special marriage officiant license

DATE: 3/27/19 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. <u>1205H</u>
-------------------------------

STATEMENT OF INTENT:

The Primary Purpose of HB 295, AS STATED BY THE SPONSOR DURING INTRODUCTION TO THE W+M'S COMMITTEE, IS TO ENCOURAGE DESTINATION WEDDINGS IN NH. ENABLING TEMPORARY AUTHORIZATION FOR INDIVIDUALS TO SOLEMNIZE A WEDDING WILL ALLOW NH TO BE A MORE ATTRACTIVE VENUE FOR DESTINATION WEDDINGS

AMENDMENT ~~1205H~~ 1205H REDUCES THE FEE FOR THE TEMPORARY LICENSE FROM \$85 TO \$30. THE REDUCTION OF THE FEE ~~WILL MAKE~~ MAKES THIS BILL EVEN MORE PERSUASIVE TOWARDS THE GOAL OF ATTRACTING MORE DESTINATION WEDDINGS TO THE GRANITE STATE

COMMITTEE VOTE: 12-8

• Copy to Committee Bill File
-------------------------------

RESPECTFULLY SUBMITTED,  
Rep. Alan Bershtein  
For the Minority

JWA

HB 295 - Establishing a special marriage officiant license

This bill allows the temporary authorization of an individual to solemnize a marriage. The committee felt the bill is reasonable and in keeping with similar statutes in surrounding states. The bill designates <sup>^</sup> a portion of the fee go to the DHTS domestic violence fund which mimics the marriage license statute.

Jennie Gomarlo

Please send to Susan as well.

Thank You!

Amendment to HB 295-FN-A

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA  
4 457 by inserting after section 32-a the following new section:

5 457:32-b Special Marriage Officiant License.

6 I. The secretary of state may issue a special marriage officiant license to solemnize the  
7 marriage of a couple within the state. Any individual who applies for a special marriage officiant  
8 license under this section shall register with the secretary of state by completing such registration  
9 form as the secretary of state may prescribe. There shall be a fee of \$30 for each such license, and  
10 the secretary of state shall maintain a record of all such special licenses issued.

11 II. Upon registration as a special marriage officiant, the individual shall be authorized to  
12 solemnize only the civil marriage designated on the registration form and shall receive proof of such  
13 authority from the secretary of state. The individual's authority to solemnize the marriage shall  
14 expire at the same time as the corresponding license.



2019-1205h

AMENDED ANALYSIS

This bill establishes a special marriage officiant license to temporarily authorize an individual to solemnize a marriage.

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# Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 295-FN-A

**BILL TITLE:** establishing a special marriage officiant license.

**DATE:** March 27, 2019

**LOB ROOM:** 202

**MOTIONS: OUGHT TO PASS**

Moved by Rep. Gomarlo

Seconded by Rep. Griffith

Vote: 12-8

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Stringham

Seconded by Rep. Bershtein

AM Vote: 9-11

Amendment # 2019-1205h

Moved by Rep. Bershtein

Seconded by Rep. Stringham

Vote: 8-12

**CONSENT CALENDAR: NO**

Respectfully submitted,



Rep Dennis Malloy, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 295-FN-A

BILL TITLE: establishing a special marriage officiant license.

DATE: 3/27/19

LOB ROOM: 202

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Gomarlo Seconded by Rep. Griffith Vote: 12-8

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 926 (if offered)
- Interim Study (2nd year)

Moved by Rep. Stringham Seconded by Rep. Bershtein Vote: 9-11

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 1205-H (if offered)
- Interim Study (2nd year)

Moved by Rep. Bershtein Seconded by Rep. Stringham Vote: 8-12

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES  NO

Minority Report?  Yes \_\_\_\_\_ No If yes, author, Rep: Bershtein Motion ITL

Respectfully submitted: Rep Thomas Southwell  
Rep Dennis Malloy, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:28:29 PM  
Roll Call Committee Registers  
Report

2019 SESSION

Ways and Means

Bill #: 295 Motion: \_\_\_\_\_ AM #: 926-H Exec Session Date: 3/27/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Almy, Susan W. Chairman		X	
Ames, Richard Vice Chairman		X	
Karrick, David B.		X	
Southworth, Thomas L.		X	
Malloy, Dennis J. Clerk <i>Davis</i>		X	
Schamberg, Thomas C. <i>Rhee</i>		X	
Tucker, Edith M.		X	
Bunker, Lisa H.		X	
Gomarlo, Jennie R.		X	
Griffith, Willis T.		X	
Loughman, Tom J.		X	
Stringham, Jerry M.	X		X
Major, Norman L.	X		X
Griffin, Mary E.	X		X
Ulery, Jordan G.	X	X	X
Abrami, Patrick F.	X		
Burns, Charles C.S.	X		
Doucette, Fred G.	X		
Edwards, Jess C. <i>Pearson</i>	X		
Bershtein, Alan	X		
<b>TOTAL VOTE:</b> <i>H-9 9-11</i>			

*H-9*



2019 SESSION

Ways and Means

Bill #: 295 Motion: OTP AM #: — Exec Session Date: 3/27/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Almy, Susan W. Chairman	X		
Ames, Richard Vice Chairman	X		
Karrick, David B.	X		
Southworth, Thomas L.	X		
Malloy, Dennis J. Clerk <i>Davis</i>	X		
Schamberg, Thomas C. <i>Rice</i>	X		
Tucker, Edith M.	X		
Bunker, Lisa H.	X		
Gomarlo, Jennie R.	X		
Griffith, Willis T.	X		
Loughman, Tom J.	X		
Stringham, Jerry M.	X		
Major, Norman L.		X	
Griffin, Mary E.		X	
Ulery, Jordan G.		X	
Abrami, Patrick F.		X	
Burns, Charles C.S.		X	
Doucette, Fred G.		X	
Edwards, Jess C. <i>Pearson</i>		X	
Bershtein, Alan		X	
<b>TOTAL VOTE:</b> <i>12-8</i>			

*12-8*



2019 SESSION

Ways and Means

Bill #: 295 Motion: \_\_\_\_\_ AM #: 1205-H Exec Session Date: 3/27/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Almy, Susan W. Chairman		X	
Ames, Richard Vice Chairman		X	
Karrick, David B.		X	
Southworth, Thomas L.		X	
Malloy, Dennis J. Clerk <i>DAVIS</i>		X	
Schamberg, Thomas C. <i>Rhee</i>		X	
Tucker, Edith M.		X	
Bunker, Lisa H.		X	
Gomarolo, Jennie R.		X	
Griffith, Willis T.		X	
Loughman, Tom J.		X	
Stringham, Jerry M.		X	
Major, Norman L.	X		
Griffin, Mary E.	X		
Ulery, Jordan G.	X		
Abrami, Patrick F.	X		
Burns, Charles C.S.	X		
Joucette, Fred G.	X		
Edwards, Jess C. <i>Pearson</i>	X		
Bershtein, Alan	X		
<b>TOTAL VOTE:</b> <i>8-12</i>			

*8-12*

# Hearing Minutes



HOUSE COMMITTEE ON WAYS AND MEANS  
PUBLIC HEARING ON HB 295-FN-A

**BILL TITLE:** establishing a special marriage officiant license.

**DATE:** March 6, 2019

**LOB ROOM:** 202

**Time Public Hearing Called to Order:** 10:03

**Time Adjourned:** 10:51

**Committee Members:** Reps. Almy, Ames, Malloy, Karrick, Schamberg, Tucker, Bunker, Gomarlo, Griffith, Loughman, Stringham, Major, M. Griffin, Ulery, Abrami, Doucette and Bershtein

**Bill Sponsors:**

Rep. Cushing  
Rep. DiLorenzo  
Rep. McConnell  
Sen. Chandley

Rep. Butler  
Rep. Schultz  
Rep. Bushway  
Sen. Hennessey

Rep. Altschiller  
Rep. Frost  
Sen. Fuller Clark  
Sen. Carson

**TESTIMONY**

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

\* **Rep Renny Cushing** Introduced, Is a Justice of the Peace and has conducted 38 marriages modeled on a statute from Vermont, See attached. \$85 Fee to Secretary of State office \$80 goes to HHS for a domestic violence fund, \$5 for administrative costs.

**Q:Abrami-** Is \$5 enough?

**A:** It covers the cost.

It undercuts Vermont's fee of \$100 not an exorbitant amount of money.

**Q:Ulery-** Will the officiant do their job?

**A:** Yes

**Q:Ulery-** No enforcement or punishment if the officiant doesn't do their job?

**A:**Not worried about a burden in the Secretary of State Office to administer the 1648 people in Vermont 2018 ceremonies

**Rep Edwards**, Opposed- Would support the bill with an amendment. This is an \$80 tax on marriage that goes to the state for Domestic Violence. There is already a marriage tax for domestic violence. It's sensitive to associate marriage with a domestic violence program. Wants to disconnect act of marriage with domestic violence. New Bill, new proposal of marriage- When most domestic violence occurs among non married.

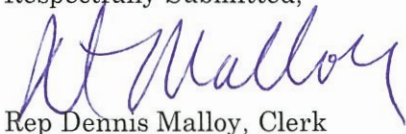
**Steven Denbow**, Merrimack, Opposes- \$1,000 wedding ceremonies in NE States and others - Officiant should have to be paired with a Justice of the Peace; or credentialed religious officiant. 40% of his income.

**Loretta Jay**, Justice of the Peace Association, Nationally, Fairfield, CT, Opposes- Conduct a civil service, not a religious ceremony. Professional JP's feel belittled by temp. officiants. Many officiants make errors. Officiants legal obligation is to witness the event & file paperwork. Require the officiant to collaborate with a JP. Anyone can officiate a ceremony as long as there is a JP involved.

**Judith Wilhelmy**, Nashua, Opposes- NH Justice of the Peace Association. \$75 to become a JP, \$85 for a temporary officiant. The fee is out of line as well as the need for this position.

**Jess Eskeland**, Supports- National Coalition Against Domestic Violence- Supports- This is not a new tax or fee. Offers coalition as a resource for the committee. Sending more information to share with Committee.

Respectfully Submitted,



Rep Dennis Malloy, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 295-FN-A

BILL TITLE: establishing a special marriage officiant license.

DATE: 3/6/2019

ROOM: 202

Time Public Hearing Called to Order: 10:03 AM

Time Adjourned: 10:51

(please circle if present)

Committee Members: Reps. Almy, Ames, Malloy, Karrick, Southworth, Schamberg, Tucker, Bunker, Gomarolo, Griffith, Loughman, Stringham, Major, M. Griffin, Ulery, Abrami, Burns, Doucette, Edwards and Bershtein

Bill Sponsors:

Rep. Cushing  
Rep. DiLorenzo  
Rep. McConnell  
Sen. Chandley

Rep. Butler  
Rep. Schultz  
Rep. Bushway  
Sen. Hennessey

Rep. Altschiller  
Rep. Frost  
Sen. Fuller Clark  
Sen. Carson

TESTIMONY

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

\* Rep Penny Cushing, introducer - is a justice of the peace and has conducted 38 marriages. Modeled on a statute from Vermont (attached) \$95 fee to secretary of state's office. Remainder goes to a domestic violence fund. \$80 goes to DHS in a domestic violence fund. \$5 for administrative costs.

Abrami - is \$500 enough? Cushing \$500 covers the cost. \$85 fee undercuts Vermont's fee of \$100. Not an onerous amount of money.

Ulery - will the officiant do their job. Cushing - yes. Ulery, no enforcement or punishment of officiant doesn't do his job.

① HB 295  
3/6/2019

Cushing - not worried about a burden on the  
Secretary of state fees to administer them.

1608 people in Vermont ~~2017~~ 2018 ceremonies

Rep. Iris Edwards opposed. Rockingham Co. would  
support this bill with an amendment. This  
is an \$80<sup>00</sup> tax on marriage that goes to state for  
domestic violence. There is already a marriage  
tax for domestic violence. It's offensive to  
associate marriage with a domestic violence  
program. Wants to disconnect <sup>act</sup> marriage with  
domestic violence. New bill, new proposal  
of marriage - when most domestic violence  
is occurring among non-married.

Steven Dembow <sup>opposes</sup> - ~~merit~~ justice of the peace  
1,000 wedding ceremonies in NE states & others -  
officiant should have to be paired with  
a justice peace. - ~~to include~~ on a credentialed  
religious officiant. 40% of his income

\* Loretta Jay justice of peace association nationally.  
Fairfield CT, opposes the bill. Temporary  
officiant <sup>conduct</sup> a civil service, not a religious  
ceremony. Professional JPs feel belittled by  
temp officiants.

②, HB 295

3/6/2019

Many officiants make errors. ~~There is no~~ officiant legal obligation is to witness event + file paperwork. Require the officiant to collaborate with a justice of the peace. Anybody can officiate a ceremony as long as there is a JP involved

Judith Wilhelmy Nashua opposes. NH justice of the peace associations. \$75<sup>job</sup> to become a jp. \$85 for a temporary officiant - The fee is out of line as well as the need for this position.

JESS Eskeland. Supports the bill. <sup>Coalition Against</sup> NH CADS Violence. This is not a new tax or fee. Offers Coalition as a resource for the committee. Sending more information to share with Committee.

~~JB~~  
read Blue sheet.

---

# Testimony

On Mar 12, 2019, at 9:31 AM, David Scanlan <[david.scanlan@sos.nh.gov](mailto:david.scanlan@sos.nh.gov)> wrote:

Susan,

Yes, we would accept ordained minister credentials even if they are issued from an on-line church. The current fee for an out of state clergy single use permit to perform a marriage is \$25, all of which is deposited into the general fund. The actual cost to the Secretary of State to issue a license would be around \$10, and would include processing mail, data entry, issuance of certificates (including foil seals) and postage. The general fund currently covers the administrative costs of issuing permits to perform weddings.

Please let me know if you have additional questions.

Dave

**From:** Susan Almy [<mailto:susan.almy@comcast.net>]  
**Sent:** Thursday, March 07, 2019 2:30 PM  
**To:** David Scanlan  
**Cc:** Abrami, Patrick  
**Subject:** Relative to our discussion of online ordained ministers

I think you told me that any ordained minister credentials, including the Universal Life Church's, qualify an applicant to get a permit to perform a marriage in NH, by our law. Enforcement is limited to when some individual complains the marriage is invalid to the AG, not SoS. Can you confirm for my committee? We have HB295 which doesn't seem competitive given the Church's low prices.

We also were struck that that bill's fee leaves \$5 with you for admin costs and you forward that to the GF. Do you actually get admin costs from the GF that would lead you to forward it?

Sent from [BlueMail](#)

TESTIMONY BEFORE THE NH LEGISLATURE'S WAYS & MEANS  
COMMITTEE

RE: PROPOSED HB 295-FN-A,  
AN ACT ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE  
WEDNESDAY, MARCH 6, 2019

1.) Introduction and thank you to the Committee:

*Chairman Susan Almy, Vice Chair Richard Ames and members of the Ways and means Committee ...*

- Steven M. Dembow, Justice of the Peace
- Began practice in 2002 after being appointed Bail Commissioner for the Merrimack District Court
- Read letter written in January when bill was introduced

2.) Should the Committee and legislature feel that at the end of the day, the impetus for such a Bill, being the permission of lay persons who are not commissioned as Justices of the Peace to participate in a so-called "one-day" authorization to do so is a valid and useful one, let it stand that persons who may wish to participate in such a ceremony do so in collaboration *with* a state-recognized official who *is* authorized to perform a legal marriage. In this manner, the friend or family member whose expertise does not lie in the arena of guiding a prospective couple through the process of properly obtaining a marriage license, preparing an appropriate ceremony and accurately and timely filing the completed marriage license with the issuing agency – exactly the duties performed diligently by commissioned officiants – the end result will be achieved; that the couple's wishes would be fulfilled and that the issue of incomplete, inaccurate or non-return of the paperwork would be eliminated. Any fee assessed would still be collected by the State and applied to the intended end. So as not to denigrate to status of commissioned persons who currently perform marriage ceremonies, I would recommend that as far as titles go, persons who apply for and are granted such one-day authorizations be referred to as "co-celebrants", and not as officiants.

3.) As an example, detail meeting this week with Merrimack restaurateur who intended on performing son's wedding ceremony this weekend and my role in effectuating this.

4.) I hope that I have been successful in making my case that the use of commissioned officiants in New Hampshire, persons experienced in *the act of witnessing and legally documenting the affirmation between the couple*, not be diluted by potentially problematic lay individuals with little or no knowledge in or about the process. It is puzzling to me why New Hampshire would be considering legislation that has been demonstrably proven troublesome for neighboring states, and, with that, I urge you to vote *no* to House Bill 295-FN-A.

Thank you.





**New Hampshire House of Representatives  
Testimony before the Ways and Means Committee  
March 6, 2019**

**In Opposition to**

**HB 295-FN-A AN ACT ESTABLISHING A SPECIAL MARRIAGE OFFICIANT LICENSE**

Dear Chairman Susan Almy, Vice Chair Richard Ames, and distinguished members of the Ways and Means Committee:

I am the managing member of the Justice of the Peace Association (JPUS), a professional organization providing news, networking and education to justices of the peace (JP). Our membership includes New Hampshire JPs in addition to JPs from other New England states. **On behalf of our New Hampshire members, some of whose names are listed below, we ask you to vote No on HB 295-FN-A, An Act establishing a special marriage officiant license.**

Justices of the Peace are professionals who have been appointed and entrusted to certify an act of marriage that is legally binding. The state of New Hampshire recognizes this responsibility, describing the JP's oath as "more than just ceremony (to) be taken seriously." Furthermore, JPUS also expects JPs to perform their duties with honor and integrity, as all members must adhere to and abide by its Code of Ethics <sup>Attachment 1</sup>.

**Background:**

While the wedding ceremony is what most people think about when they consider an officiant, the recording of the marriage is most important task, not what is said during the ceremony. JPs must attest to the accuracy of the marriage license, verify that the parties are willing participants and then complete all required paperwork and file it with the Town Clerk within six days of the ceremony. A JP's failure to comply with requirements may result in a fine.

**The methodology used in HB 295-FN-A's fiscal note relies on flawed premises.**

While we commend the impetus behind this bill to drive additional funding for domestic violence programs, we question the assumptions used to determine the number of anticipated applicants and the estimated income generated.

1. On-line ministers are religious, while temporary officiants, like JPs, would be secular. It is unlikely that couples would substitute one for the other. The temporary officiants would more likely supplant the professional JPs.
2. In addition to complying with the terms of New Hampshire's *Justice of the Peace Manual*, professional JPs are continually seeking ways to improve the performance of their duties through trainings, research and collaboration with other JPs. Permitting temporary officiants disrespects the

competent service that these professionals provide. We anticipate that the professional JP may resign if they feel belittled and the demand for services decreases. The JP application fee is \$75, and the loss of applicants will become a funding shortfall to the state.

**HB 295-FN-A will burden municipal town clerks with the costly responsibility of rectifying the inevitable errors made by Temporary Officials.**

While the Secretary of the State (SOTS) may issue the temporary officiant designation, the marriage license must still be processed with the town clerk; the state statute doesn't allow for an alternative. This will result in a drain on already limited town resources as the town clerks try to complete the process. This is not just speculation. New Hampshire can learn from neighboring Vermont and Massachusetts' experiences with their temporary officiant rules.

1. The current Vermont Town Clerk Association reports numerous problems. Lucrecia Wonsor, Killington's town clerk and past president of the Vermont Town Clerk Association, wrote in an email, "The 'Temporary Officiant' option has put more burden on the Clerks to make sure that all rules have been followed and paperwork in place so that the marriage is legal. There is added cost and time to Clerks to 1) make sure the License is completed correctly and the proper paperwork is submitted, 2) to chase after Temporary Officials to get the Authorization returned to us and 3) to record, index and store the Temporary Authorizations." The current president of the VTCA echoes these concerns.

Massachusetts town clerks complained that the problems with temporary officials occurred up to 90% of the time, and that dealing with them doubled the amount of work they had to do<sup>1</sup>.

When considering the likelihood of errors made, temporary officials may very well overwhelm town clerks and burden municipalities with twice the workload, creating an unfunded mandate. This will negate any positive income generated from the application fees, and may actually create an overall loss.

2. The national trend is that couples are choosing secular instead of religious ceremonies. The Vermont SOTS office said that the number of temporary officials has increased steadily (by 59%) over the past five years. It is anticipated that this rate will continue or even increase, as their application process switched to electronic in December. In Massachusetts their lay-officials increased exponentially by 322% during the past decade. A similar trend can be expected in New Hampshire, further taxing the municipalities.
3. JPUS has worked with legislators and state offices in Massachusetts and Connecticut on lay officiant rules. Governor Charlie Baker's office<sup>2</sup> requested that JPUS submit a white paper<sup>2</sup> summarizing the problems with Massachusetts' One-Day rule; today a bill is pending before the legislature for a study commission on the rule. In Connecticut they opted to forgo a temporary officiant rule, leaving friends and family to informally work out the ceremony with a JP witnessing the event.

**Alternative Solutions:**

The underlying problem with temporary officiant rules is a misperception about what officiating a wedding means. Most of us think of the ceremony. But the law says it is *the act of witnessing and legally documenting the affirmation between the couple.*

JPus encourages couples who want a friend or family member to officiate to work with a JP who will incorporate that special person into the ceremony. Requiring that temporary officiants work with JPs would avoid burdening town clerks and would not risk JPs leaving the profession. Options include:

- The JP witnesses the ceremony (performed by the friend), and then submits the paperwork
- The JP acts as a coach, meeting with the couple and supporting the friend/family member through the process; the JP then witnesses the ceremony and submits the paperwork

The anticipated revenue would still be forthcoming, but without the loss to municipalities and the state.

Justices of the Peace hold an important and legally binding role in New Hampshire. They take this responsibility very seriously, dedicating time and energy to perfecting their trade and performing their duties professionally. This bill, as written, will likely create unforeseen loss of revenue for municipalities and the state. As a result, on behalf of the New Hampshire JPus membership, I urge you to **vote No to HB 295-FN-A, An Act establishing a special marriage officiant license.** Thank you for this opportunity to share our members' position on this important issue. I am available for further discussion.

Respectfully Submitted,



Loretta Jay, MA  
Managing Member  
Justice of the Peace Association  
203.255.7703  
[lorettajay@JPus.org](mailto:lorettajay@JPus.org)

*The following New Hampshire Justices of the Peace also endorse this testimony:*

<u>Name</u>	<u>Town</u>	<u>Email</u>
Lisa Olech	Ashland, NH	<a href="mailto:lisaa.olech@gmail.com">lisaa.olech@gmail.com</a>
Sandra Hair	Concord, NH	<a href="mailto:slh775@yahoo.com">slh775@yahoo.com</a>
Linda Abbott	Concord, NH	<a href="mailto:linda.abbott@comcast.net">linda.abbott@comcast.net</a>
Nancy Lavallee	Danville, NH	<a href="mailto:nlavallee@mvpc.org">nlavallee@mvpc.org</a>
Jaci Kjernander	Dover, NH	<a href="mailto:jacikjernander@gmail.com">jacikjernander@gmail.com</a>
Jackie Brough	Epsom, NH	<a href="mailto:jackiebrough79@gmail.com">jackiebrough79@gmail.com</a>

Jeffrey M. DeMarco, Esq.	Hampton Falls, NH	<a href="mailto:jeff@jeffdemarco-jp.com">jeff@jeffdemarco-jp.com</a>
Kim Steward	Intervale, NH	<a href="mailto:kimthejp@gmail.com">kimthejp@gmail.com</a>
Kelly Hayden-Wimpory	Jefferson, NH	<a href="mailto:kellythejp@gmail.com">kellythejp@gmail.com</a>
Jean Lee	Kearsarge, NH	<a href="mailto:jeantheac@gmail.com">jeantheac@gmail.com</a>
Patricia Parent	Keene, NH	<a href="mailto:yourjusticeofthepeace@gmail.com">yourjusticeofthepeace@gmail.com</a>
Jane Rokes	Keene, NH	<a href="mailto:brokesjr1@ne.rr.com">brokesjr1@ne.rr.com</a>
Kathleen Sheerin	Laconia, NH	<a href="mailto:pepkat@metrocast.net">pepkat@metrocast.net</a>
Sharon Curole	Manchester, NH	<a href="mailto:scurole@comcast.net">scurole@comcast.net</a>
Carol Siebert	Merrimack, NH	<a href="mailto:jotp2008@yahoo.com">jotp2008@yahoo.com</a>
Steve Dembow	Merrimack, NH	<a href="mailto:steven.m.dembow@comcast.net">steven.m.dembow@comcast.net</a>
Katie Ward	Nashua, NH	<a href="mailto:justicekatieward@yahoo.com">justicekatieward@yahoo.com</a>
Caine Steele	Nashua, NH	<a href="mailto:nonanut@gmail.com">nonanut@gmail.com</a>
Barbara Rockwell	Nashua, NH	<a href="mailto:jp4two@yahoo.com">jp4two@yahoo.com</a>
Debby Pawlendzio	Newfields, NH	<a href="mailto:dpawlendzio@yahoo.com">dpawlendzio@yahoo.com</a>
Cindy Dumont	North Hampton	<a href="mailto:c.a.dumont@comcast.net">c.a.dumont@comcast.net</a>
Mary Kernander	Northwood, NH	<a href="mailto:ksweddings.info@gmail.com">ksweddings.info@gmail.com</a>
Ann Chadwick	Pelham, NH	<a href="mailto:sunshineac25@comcast.net">sunshineac25@comcast.net</a>
Patricia Cook	Plaistow, NH	<a href="mailto:patcookjp@outlook.com">patcookjp@outlook.com</a>
Mary Carey Foley	Portsmouth, NH	<a href="mailto:foley229@aol.com">foley229@aol.com</a>
Maria Doyle	Salem, NH	<a href="mailto:mdoylenh@gmail.com">mdoylenh@gmail.com</a>
Janet Moriarty	Somersworth, NH	<a href="mailto:jdmoriarty@myfairpoint.net">jdmoriarty@myfairpoint.net</a>
Pius Murray	Somersworth, NH	<a href="mailto:charliem1957@hotmail.com">charliem1957@hotmail.com</a>
Maureen Robinson	Winchester, NH	<a href="mailto:wetmore9@yahoo.com">wetmore9@yahoo.com</a>

## Attachment 1: Code of Ethics

### Code of Ethics Justice of the Peace Association

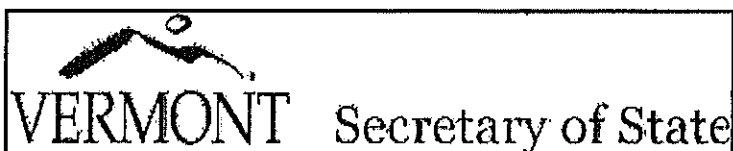
As a member of the Justice of the Peace Association, having accepted the responsibility of the office of Justice of the Peace, in order to faithfully discharge my duties with both competence and integrity, I resolve that I will adhere to the following standards of conduct:

- To execute the statutes of the State in which I am empowered, as promised when I took the oath of office
- To perform all tasks and responsibilities to the best of my ability
- To complete and submit all documentation accurately, on time and to the proper authorities
- To be honest with my clients and to act in their best interests
- To charge a fee for my services that reflects my expertise, effort, time and involvement in the preparation and performance of my duties and that is in compliance with state statute, if applicable
- To always act in a manner that reflects favorably on myself, my office, and the Justice of the Peace Association.

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<sup>1</sup> Legislative Recommendations for Win-Win Solutions, submitted to Massachusetts Governor Charlie Baker, January 8, 2019. Accessed 3/5/2019, <https://www.findajp.com/jpus/5585-2/>

<sup>2</sup> Ibid



Vermont Secretary of State Jim Condos

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**Navigation:**   » [Home](#) » [Temporary Officiants](#)

## Temporary Officiants

As of July 1, 2008, [Title 18 of Vermont law](#) allows the Vermont secretary of state to authorize individuals to officiate at specific marriages in Vermont. To become a temporary officiant, an applicant must fill out a registration form and return it with a filing fee of \$100 (check or money order) to:

Office of the Secretary of State  
Temporary Officiant Program  
128 State Street  
Montpelier, Vermont 05633-1101

The applicant will then receive written authorization from the secretary of state to officiate at a specific marriage. This authorization must be attached to the marriage license that is returned to the issuing municipal clerk. Officiants must be 18 years of age, or older. Please submit the registration form at least 10 days prior to the ceremony.

The Vermont Department of Health Vital Records Office maintains marriage certificates from the last five years only. You may reach their office at 802-863-7275 or 800-439-5008 (toll free in Vermont only) for further information. For marriage certificates older than five years, and ALL civil union certificates, please contact the Vermont State Archives and Records Administration at 802-828-3286 for further information. You may also obtain a copy for your marriage or civil union certificate from the town or city clerk where the license was issued.

### Forms & Guides

- [Temporary Officiant Registration Form](#)
- [Solemnizing Marriages Sample Ceremony](#)
- [Civil Marriage Certificate Guide](#)
- [Getting Married in Vermont Information Sheet](#)
- [Justice of the Peace Guide](#)
- [Town Clerk Guide \(contact info and hours\)](#)

This page was last updated: 2015-04-22



Hi Renny,

I have attached the Vermont law that allows an individual to register with the Vermont Secretary of State's office as a temporary officiant for marriages, upon payment of a \$100 fee. The fee is not earmarked for a particular purpose; revenues collected are deposited into the Secretary of State's special account up to a determined budgeted amount. Any revenues collected in excess of that amount are deposited into the state's general fund. I have attached a copy of the registration form.

Since its enactment in 2008, the Secretary of State has received the following number of Temporary Officiant applications:

2008: 130

2009: 402

2010: 597

2011: 699

2012: 831

2013: 1039

2014: 1057

2015: 424 (to date)

I hope this is helpful.

Myla

Myla Padden, Research Director

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Good morning, Renny.

I received the following numbers from Vermont.

I am going to be out of the office until Wednesday but I will be checking my email. Let me know if you need anything else.

Myla

**2017- 1359**

**2018- 1640**



To the Honorable representatives of the State of New Hampshire:

As a practicing Justice of the Peace in New Hampshire since 2002, I have presided on close to 1,000 wedding ceremonies since I received my first commission as a J.P. These ceremonies have taken place in every state in New England, as well as in New York, Maryland and California. I have *faithfully* and *accurately* complied with all laws and regulations set forth by each respective state regarding my status as both a NH Justice of the Peace and an Ordained Pastor, and have interacted with hundreds of Town and City Clerks in the timely filing of properly filled out paperwork to support the execution of my duties.

In my opinion, and after speaking with the Town Clerk of the Town of Merrimack, NH, Diane Trippett, who fully supports my position, it would be unwise for the State of New Hampshire to allow for so-called "One-Day" officiants to perform marriages; the main reason for this is to ensure that *application of proper knowledge of all facets of the duties of a Justice of the Peace* and the *follow-through of properly-executed paperwork* results in *timely, accurately and legally-executed documentation* of such an aforesaid marriage, and that such paperwork is presented *promptly* to the city or town clerk's office from which application for same was made by the intended couple.

Professional Justices of the Peace are sworn to abide by all laws concerning their duties, which is something a "One-Day" officiant would have no knowledge of and therefore could allow for a greater possibility of issues regarding improper, inaccurate, late or even complete lack of follow through in providing the required documentation necessary for a City or Town Clerk to *timely and properly* record such a vital document. This could result in *costly and potentially serious consequences* to married persons if problems arise in the Clerk's inability to process a faulty – or even absent - marriage license. Problems of this nature experienced by numerous Clerks in Massachusetts have caused needless backups and confusion related to their state's provision to allow such "One-Day" officiants, and the State of Connecticut recently decided to block such proposed legislation in their state for the same reason.

In sum, I would urge those on the Committee to listen to the experiences of others and consider the consequences of allowing non-commissioned amateur and unsworn "officiants" to be able to solemnize marriages in the State of New Hampshire.

Respectfully,

Steven M. Dembow, J.P.

15 Joppa Rd.  
Merrimack, NH 03054-3125

Phone: (603) 429-0902

Cell: (603) 345-6576

e-mail: steven.m.dembow@comcast.net



# **Fiscal Note**

**HB 295-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT establishing a special marriage officiant license.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$59,100	\$59,100	\$59,100	\$59,100
Expenditures	\$0	\$0	\$0	\$0
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Special fund for domestic violence programs (RSA 173-B:15)			

**METHODOLOGY:**

This bill would authorize the Secretary of State to issue a special marriage officiant license to temporarily authorize an individual to solemnize a marriage in this state. The legislation requires completion of a registration form and submission of an \$85 fee, \$80 which is to be forwarded to the Department of Health and Human Services for deposit in the fund for domestic violence programs established in RSA 173-B:15, and \$5 to be retained by the Secretary of State for administrative costs associated with the issuance of the license.

The Department of Health and Human Services states the number of licenses that would be requested is unknown. No additional staff would be needed to forward the funds for deposit in the fund for domestic violence programs but the task would require a re-allocation of existing staff time for this purpose within the current budget.

The Secretary of State's Office assumes that the individuals obtaining the proposed license would be the same ones who obtain on-line ordained minister credentials to qualify for the special marriage solemnization license issued to ordained ministers. The fee for that license is \$25. It is estimated that 985 individuals apply for the existing license annually, generating approximately \$24,625 per year (985 x \$25). This revenue currently goes to the general fund. The Secretary of State assumes under the bill, the same number of applicants (985) will now pay \$85 and will generate \$83,725 (985 x \$85 = \$83,725). Of this amount, \$78,800 (985 x \$80 = \$78,800) would go to the domestic violence fund. The Secretary of State assumes \$4,925 (985 x \$5 = \$4,925) would be retained by the Secretary of State for deposit into the general fund.

	<b>Type of License</b>	
	<b>Ordained Minister</b>	<b>Proposed Marriage</b>
	<b>Online</b>	<b>Officiant</b>
<b>License Fee</b>	\$25	\$85
<b>Estimated Annual Number of Applicants</b>	985	985
<b>Annual Revenue to General Fund</b>	\$24,625	\$4,925
<b>Annual Revenue to Domestic Violence Fund</b>	\$0	\$78,800
<b>Total Annual Revenue</b>	<b>\$24,625</b>	<b>\$83,725</b>

<b>Total Projected Annual Revenue</b>	<b>\$83,725</b>
<b>Less Current Total Annual Revenue</b>	<b>\$24,625</b>
<b>Net Projected Annual Revenue</b>	<b>\$59,100</b>

**AGENCIES CONTACTED:**

Department of State and Department of Health and Human Services

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# Bill as Introduced

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HB 295-FN-A - AS INTRODUCED

2019 SESSION

19-0015  
05/04

HOUSE BILL            **295-FN-A**

AN ACT                establishing a special marriage officiant license.

SPONSORS:            Rep. Cushing, Rock. 21; Rep. Butler, Carr. 7; Rep. Altschiller, Rock. 19; Rep. DiLorenzo, Rock. 17; Rep. Schultz, Merr. 18; Rep. Frost, Straf. 16; Rep. McConnell, Rock. 11; Rep. Bushway, Rock. 21; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Hennessey, Dist 5; Sen. Carson, Dist 14

COMMITTEE:          Judiciary

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ANALYSIS

This bill establishes a special marriage officiant license which temporarily authorizes an individual to solemnize a marriage. A portion of the license fee shall be deposited in the fund for domestic violence programs.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough~~]  
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 Nineteen*

AN ACT                    establishing a special marriage officiant license.

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

1            1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA  
2 457 by inserting after section 32-a the following new section:

3            457:32-b Special Marriage Officiant License.

4            I. The secretary of state may issue a special marriage officiant license to temporarily  
5 authorize an individual to solemnize a marriage in this state. Any individual who applies for a  
6 special marriage officiant license shall register with the secretary of state, complete the registration  
7 form prescribed by the secretary of state, and submit an \$85 fee to the department of state. The  
8 secretary of state shall forward \$80 of the fee to the department of health and human services for  
9 deposit in the fund for domestic violence programs, established in RSA 173-B:15, and shall retain  
10 the remainder of the fee for administrative costs associated with issuance of the license.

11            II. Upon registration as a special marriage officiant, the individual shall be authorized to  
12 solemnize only the civil marriage designated on the registration form and shall receive proof of such  
13 authority from the secretary of state. The individual's authority to solemnize the marriage shall  
14 expire at the same time as the corresponding license.

15            2 Effective Date. This act shall take effect 60 days after its passage.