

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 89, relative to accommodation for medical reasons in issuing marriage licenses.

Hearing Date: February 21, 2023

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill permits, but does not require, a city or town clerk to accommodate parties unable to appear in person for a marriage license due to medical reasons.

Sponsors:
Sen. Birdsell

Who supports the bill: Senator Regina Birdsell, Dan Healey, Cindy Kudlik, Joan Dargie

Who opposes the bill: Monica Staples

Summary of testimony presented in support:

Senator Regina Birdsell

- The law that this bill addresses was passed last year.
- In RSA 5C-42 IV-A it states that “ if either party is unable to appear in person for medical reasons, the city or town clerk shall accommodate the parties by meeting in person with the parties at such other location within the city or town as may be convenient.”
- SB 89 changes the wording in that line from shall to may.
- The clerks are willing to be accommodating but do not feel that it should be required.
- Any changes to the process should be decided on a case by case basis.

Dan Healey – NH City/Town Clerks Association

- Last year, this law was tacked on to another bill and they did not have a chance to speak to it.
- The town and city clerks try to accommodate all people and have gone to hospitals to issue marriage licenses.
- They do not believe that they should be required to do so.
- The law does not specify the medical reasons and states “a convenient location.”
- There could be an argument over what is considered convenient.
- When they issue a marriage license there is some back and forth review of documents with the couple and they need access to a printer and computer.
- The decision to issue a marriage license at another location should be at the towns discretion.
- The clerks do not believe that they should be mandated to go to someone’s house to issue a marriage license.

- Senator Gray commented that changing it to may would not carry the same weight as shall does and he believes there should be some middle ground. Senator Gray asked if he thinks the initial part of the process could be done by video conference or phone photo as a compromise.
 - Mr. Healy believes the clerks association would be open to something along those lines. They just do not feel they should be mandated to do this and make multiple trips, especially with no specific medical condition or place. If some of that language could be added he thinks that would help.
- Senator Murphy asked how often does this happen.
 - Mr. Healey stated that it is a very rare occurrence. He only did it once in Derry, but they do try to accommodate people.
- Senator Perkins Kwoka asked if they were to add, in line four “accommodate the parties by meeting in person or via electronic means”, would that make the association more comfortable.
 - Mr. Healy replied that he believes that would make a difference but some of the documents have to be originals. He added that maybe if the parties showed the documents to the clerks virtually, they could get the information needed and then when they meet with the parties in person, certify the original.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: February 22, 2023