

RELATIONSHIP

457:1-a Equal Access to Marriage – Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of this chapter may marry any other eligible person regardless of gender or race. Each party to a marriage shall be designated "bride," "groom," or "spouse."

457:2 Marriages Prohibited – No person shall marry his or her father, mother, father's brother, father's sister, mother's brother, mother's sister, son, daughter, brother, sister, son's son, son's daughter, daughter's son, daughter's daughter, brother's son, brother's daughter, sister's son, sister's daughter, father's brother's son, father's brother's daughter, mother's brother's son, mother's brother's daughter, father's sister's son, father's sister's daughter, mother's sister's son, or mother's sister's daughter. No person shall be allowed to be married to more than one person at any given time.

457:3 Recognition of Out-of-State Marriages – Every marriage legally contracted outside the state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting parties are or become permanent residents of this state subsequent to such marriage, and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the state of New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section. Notwithstanding anything in this statute or the provisions of RSA 457:43 to the contrary, any marriage of a same-sex couple lawfully

contracted outside New Hampshire shall be recognized in New Hampshire as of the date of its solemnization.

AGE

457:4 Marriageable – No person below the age of 18 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.

DOCUMENTATION

457:22 Completion of Marriage License Application – All persons proposing to be joined in marriage within the state shall complete a marriage license application with all facts required by RSA 5-C:41 to be entered in any town clerk's office. The clerk shall record the application in a book to be kept for that purpose.

5-C:41 Marriage Registration Forms – II-a. (a) Upon entering into marriage, either party may retain his or her surname prior to the marriage or change his or her surname to the surname of the other party or change the surname to a hyphenated combination of the full surnames of both parties. If a party requests a surname change under this paragraph, that party may also change his or her middle name to his or her surname prior to the marriage. Each party shall indicate on the marriage application worksheet the party's name after marriage. (b) Provided that the change is not made for a fraudulent criminal or wrongful purpose, the name of each party after marriage as indicated on the marriage application worksheet and marriage license shall become the sole legal name of each party after marriage. If a party indicates a name change other than as described in subparagraph (a), the party shall request approval of the court.

5-C:42 Marriage License and Registration – IV. The persons to be married shall appear in person to the clerk of the town or city to file the marriage

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

V-a. If either party is unable to appear in person for documented medical reasons, the city or town clerk may accommodate the parties by meeting in person with the parties at such other location within the city or town as may be convenient.

457:23 Requirements –

I. No marriage license shall be issued by any town or city clerk until the applicants have each provided for inspection the following documents: (a) Proof of age; (b) A certified copy of the final divorce decree, if either or both parties are divorced; and

(c) A certified copy of the death record of spouse, if either or both parties are widowed.

457:26 Marriage License – The town clerk shall deliver to the parties a marriage license embodying the facts required in RSA 457:22, specifying the time when the application was entered, which license shall be delivered to the minister or magistrate who is to officiate, before the marriage is solemnized. The license shall be valid for not more than 90 days from the date of filing.

FEE

457:29 Marriage License Fee – The fee for the marriage license shall be \$50 to be paid by the parties entering into the marriage.

SOLEMNIZATION

457:31 Solemnization of Marriage –

A marriage may be solemnized in the following manner:

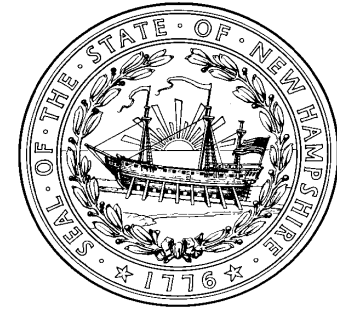
I. In a civil ceremony by a justice of the peace as commissioned by the state, by a state supreme court justice, superior court judge, or circuit court judge, and by judges of the United States appointed pursuant to Article III of the United States Constitution, by bankruptcy judges appointed pursuant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

II. In a religious ceremony by any minister of the gospel in the state who has been ordained according to the usage of his or her denomination, resides in the state, and is in regular standing with the denomination; by any member of the clergy who is not ordained but is engaged in the service of the religious body to which he or she belongs, and who resides in the state, after being licensed therefor by the secretary of state; or within his or her parish, by

any minister residing out of the state, but having a pastoral charge wholly or partly in this state.

457:32 Special Commission – The secretary of state may issue a special license to an ordained or non-ordained minister residing out of the state, or to an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, authorizing him or her in a special case to marry a couple within the state. In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority. The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be \$25. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

457:45 Civil Union Recognition – A civil union legally contracted outside of New Hampshire, or any legal union other than a marriage that provides substantially the same rights, benefits and responsibilities as a marriage that is legally contracted outside of New Hampshire, shall be recognized as a marriage in this state, and any person in such legal union contracted outside of New Hampshire may also marry the same party in New Hampshire without the dissolution of such legal union, provided that the relationship does not violate the prohibitions of this chapter.



MARRIAGE IN NEW HAMPSHIRE

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