

37:1-17 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 37:1-17 et seq; 2A:82-12 (Marriage certificate--quadruplicate form)

LAWS 1980 CHAPTER 128

Bill No. A32

Sponsor(s) Chinnici

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes
according to Governor's recommendations:

~~No~~ Amendments denoted by asterisks

Date of Passage: Assembly Feb. 14, 1980

Re-enacted 9-22-80

Senate April 21, 1980

Re-enacted 10-9-80

Date of approval Oct. 17, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Also attached: Senate amendments, adopted 4-17-80 (with statement)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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ASSEMBLY, No. 32

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblyman CHINNICI

AN ACT concerning certificates of marriage, amending R. S. 37:1-17
and N. J. S. 2A:82-12 and supplementing chapter 1 of Title 37
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 37:1-17 is amended to read as follows:

2 37:1-17. On ****[the reverse side of]**** the marriage license shall
3 be the form for the certificate of marriage in ****[triplicate]****
4 ****quadruplicate****, to which the *****[person by whom, or the re-**
5 **ligious society, institution or organization by or before which the**
6 **marriage was solemnized, shall personally or by legally authorized**
7 **agent subscribe, after setting]***** *licensing officer shall have*
8 *set**** forth particularly therein the name, age, parentage,
9 ****[color]**** ****race****, birthplace, ****[occupation]**** residence and
10 condition (whether single, widowed or divorced) of each of the
11 married persons, *****and***** the names and country of birth of
12 their parents *****[and the date and place of the marriage]*****.
13 ****The person by whom or the religious society, institution, or*
14 *organization by or before which, the marriage was solemnized,*
15 *shall personally or by legally authorized agent subscribe where*
16 *indicated on the form the date and place of the marriage.**** Each
17 certificate of marriage shall also contain the signature and resi-
18 dence of at least two witnesses who were present at the marriage
19 ceremony.

1 2. (New section) The license and the original certificate shall
2 be transmitted pursuant to R. S. 26:8-41. One copy of the certificate
3 shall ***be retained by the local registrar and one copy shall*** be
4 given to the persons contracting the marriage. The ****[other]****
5 ****remaining**** copy ****[may]**** ****shall**** be retained by the person
6 solemnizing the marriage ****[or may also be given to the married**
7 **persons]****.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

1 ***[3. (New section) The provisions of N. J. S. 2A:82-12 notwith-**
 2 **standing, copies of certificates shall be received in all courts and**
 3 **places as presumptive evidence of the marriage.]***

1 ***3. (New section) Any marriage which has occurred or which*
 2 *may hereafter occur and which is not recorded with the State*
 3 *Registrar as required by this chapter, may be recorded by filing a*
 4 *delayed report with the State Registrar, documented by a copy of*
 5 *the application for the license. The delayed report shall contain*
 6 *an affidavit of the person performing the marriage or if he is*
 7 *deceased or not available, of one or both witnesses to the marriage*
 8 *ceremony confirming that the ceremony was performed and the*
 9 *date and place of the marriage.*

10 *When it is impossible to secure the affidavit of the officiant or*
 11 *either of the witnesses, the affidavit may be made by a person who*
 12 *was present at the marriage ceremony, or the contracting parties*
 13 *provided additional documentary evidence is presented.*

14 *The State Registrar may require evidence of the correctness of*
 15 *the information in a delayed report and may refuse to accept a*
 16 *delayed report if the evidence is not submitted**.*

1 ****[3. (New section)]** **4.**** N. J. S. 2A:82-12 is amended to
 2 read as follows:

3 2A:82-12. Any **[original]** certificate of marriage issued *pursu-*
 4 *ant to R. S. 37:1-17, marriage license and consent to the marriage*
 5 *of minors, or any part thereof, and any copy of the record of any*
 6 *marriage, certified to be a true copy under the hand of the State*
 7 *Registrar of Vital Statistics, any original certificate of birth or*
 8 *death, or any copy thereof, or any copy of the record thereof, cer-*
 9 *tified to be a true copy under the hand of the State Registrar; any*
 10 *transcript of return of death, marriage or birth, made by any per-*
 11 *son according to law, to any officer or board empowered by law to*
 12 *receive the same or of the record of such return, such transcript*
 13 *being a copy of the return as originally made or a copy of the record*
 14 *thereof as recorded according to law, when such transcript shall be*
 15 *signed by the officer required by law to return or record the same*
 16 *as the case may be and, by him certified to be a true copy of said*
 17 *return or record, shall be received as prima facie evidence of the*
 18 *facts therein stated in all courts and places.**

1 ****[4. This act shall take effect 90 days after enactment.]****

1 ****5. This act shall take effect January 1, 1981.****

ASSEMBLY, No. 32

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblyman CHINNICI

AN ACT concerning certificates of marriage, amending R. S. 37:1-17 and supplementing chapter 1 of Title 37 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 37:1-17 is amended to read as follows:

2 37:1-17. On the reverse side of the marriage license shall be the
3 form for the certificate of marriage *in triplicate*, to which the
4 person by whom, or the religious society, institution or organization
5 by or before which, the marriage was solemnized, shall personally
6 or by legally authorized agent subscribe, after setting forth partic-
7 ularly therein the name, age, parentage, color, birthplace, occupa-
8 tion, residence and condition (whether single, widowed or divorced)
9 of each of the married persons, the names and country of birth of
10 their parents and the date and place of the marriage. Each cer-
11 tificate of marriage shall also contain the signature and residence
12 of at least two witnesses who were present at the marriage
13 ceremony.

1 2. (New section) The license and the original certificate shall
2 be transmitted pursuant to R. S. 26:8-41. One copy of the certificate
3 shall be given to the persons contracting the marriage. The other
4 copy may be retained by the person solemnizing the marriage or
5 may also be given to the married persons.

1 3. (New section) The provisions of N. J. S. 2A:82-12 notwith-
2 standing, copies of certificates shall be received in all courts and
3 places as presumptive evidence of the marriage.

1 4. This act shall take effect 90 days after enactment.

STATEMENT

This bill provides for a triplicate form of marriage certificate which will provide the married couple with one copy of the certificate at the ceremony. If the person solemnizing the marriage

does not choose to keep one of the copies for his records, that copy may also be given to the couple. The bill also provides that copies of certificates shall be evidence of the fact of the marriage.

The bill provides for a delayed effective date to provide the Department of Health time to prepare and supply new forms pursuant to R. S. 26:8-47.

SENATE AMENDMENTS TO
ASSEMBLY, No. 32

[SENATE REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 17, 1980

Amend page 1, section 1, line 2, omit "the reverse side of".

Amend page 1, section 1, line 3, omit "triplicate", insert "quaduplicate".

Amend page 1, section 1, lines 7-8, omit "color", insert "race"; omit "occupation,".

Amend page 1, section 2, line 3, after "shall", insert "be retained by the local registrar and one copy shall"; omit "other", insert "remaining".

Amend page 1, section 2, line 4, omit "may", insert "shall".

Amend page 1, section 2, lines 4-5, omit "or may also be given to the married persons".

Amend page 1, section 2, after line 5, insert new section 3 as follows:

"3. (New section) Any marriage which has occurred or which may hereafter occur and which is not recorded with the State Registrar as required by this chapter, may be recorded by filing a delayed report with the State Registrar, documented by a copy of the application for the license. The delayed report shall contain an affidavit of the person performing the marriage or if he is deceased or not available, of one or both witnesses to the marriage ceremony confirming that the ceremony was performed and the date and place of the marriage.

When it is impossible to secure the affidavit of the officiant or either of the witnesses, the affidavit may be made by a person who was present at the marriage ceremony, or the contracting parties provided additional documentary evidence is presented.

The State Registrar may require evidence of the correctness of the information in a delayed report and may refuse to accept a delayed report if the evidence is not submitted."

Amend page 1, section 3, line 1, omit "3. (New section)", insert "4."

Amend page 1, section 4, line 1, omit.

Amend page 1, section 4, after line 1, insert "5. This act shall take effect January 1, 1981."

STATEMENT

These amendments were recommended by the Department of Health. They provide for a quadruplicate form of marriage certificate (one copy each for the State Registrar, the local registrar, the person performing the marriage and the couple getting married).

The amendments additionally provide for a method of recording marriage certificates with the State on a delayed basis.

The amendments also delay the effective date of the act until January 1, 1981 and make technical changes with regard to information appearing on marriage certificates.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 32

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1980

This bill provides for a triplicate form of marriage certificate which will provide the married couple with one copy of the certificate at the ceremony. If the person solemnizing the marriage does not choose to keep one of the copies for his records, that copy may also be given to the couple.

The bill also provides that copies of certificates shall be evidence of the fact of the marriage. By committee amendment, this provision, in order to avoid confusion, was adopted as an amendment to the present N. J. S. 2A:82-12 which deals with admissability of records of vital statistics rather than as a separate section.

The bill provides for a delayed effective date to provide the Department of Health time to prepare and supply new forms pursuant to R. S. 26:8-47.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

July 25, 1980

ASSEMBLY BILL NO. 32

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 32 with my objection, for reconsideration.

This bill would require marriage certificates to be prepared in four parts, one part going to the State, one to the local registrar, one to the married couple and one to the person solemnizing the marriage. Any one of these parts is admissible into evidence as prima facie proof of marriage.

The bill also makes provision for recording marriages with the State by filing a delayed report in instances where the marriage certificate had not been previously recorded with the State. The report would contain an affidavit confirming that the ceremony was performed and the date and place of the marriage. The affidavit is to be made by the person performing the marriage, or if he is unavailable then by one or both of the witnesses. If the affidavit of any of those persons cannot be obtained, then the affidavit may be made by a person present at the ceremony or the contracting parties provided additional documentary evidence is presented. In addition, the State Registrar may require further evidence in support of the delayed report.

The bill also updates the existing statute governing the content of marriage certificates by eliminating occupational information, since that material is no longer used in Health Department statistics, and by changing the designation of "color" to "race."

While I concur with the purpose of this bill, I am concerned that completing the form in quadruplicate will put an unnecessary burden on the officiant at a marriage ceremony. As a result, I recommend that the law require the

licensing official to fill in the form.

Accordingly, I herewith return Assembly Bill No. 32
for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Lines 4-6: Delete "person by whom,
or the religious society, institution or organization by
or before which, the marriage was solemnized, shall
personally or by legally authorized agent subscribe,
after setting forth", and insert "licensing officer
shall have set forth"

Page 1, Section 1, Line 10: After "persons," insert "and"

Page 1, Section 1, Line 11: Delete "and the date and
place of the marriage" and insert "The person by whom
or the religious society, institution, or organization
by or before which, the marriage was solemnized, shall
personally or by legally authorized agent subscribe
where indicated on the form the date and place of the
marriage."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

Chief of Staff, Secretary