officiant. Permit adequate time (approximately two weeks) for this to take place before requesting the certificate.

FEE FOR SOLEMNIZING: ***RSA 457:33*** states: The persons joined in marriage by a minister or justice of the peace shall pay the minister or justice a minimum of $5.

SECRETARY OF STATE SPECIAL LICENSE: ***RSA 457:31a, b***
An un-ordained clergyman who is a resident of this state and who is a member of and engaged in the service of a religious body which is chartered by the state if he presents a certification from that body that he is in its service may be issued a special license to perform marriage in N.H. by the N.H. Secretary of State.

An ordained minister who is a nonresident may obtain a special license from the Secretary of State authorizing him to marry a couple within N.H. This special license for the nonresident minister is only valid for one particular marriage.

Jewish Rabbis who are citizens of the U.S., residing out-of-state, may obtain a special license from the Secretary of State, valid for one particular marriage.

JUDGES OF THE UNITED STATES; ***RSA 457:32-A,*** The Secretary of State may issue a special license to a Judge of the United States residing in this State or to a United States magistrate judge residing in this state and appointed pursuant to federal law. The fee will be $25 for each such license.

JUSTICE OF THE PEACE, ***RSA 457:32,*** The secretary of state may issue a special license to an individual residing ***out of state*** who is authorized or licensed by law to perform marriage in such individual's state of residence.

Questions and applications relative to special solemnization licenses should be addressed directly to the Secretary of State, State House, Room 204, Concord, NH 03301. Telephone: (603) 271-3242.

SECRETARY OF STATE FEE: Special solemnization license fee, $25, payable to the N.H. Secretary of State.

AFFIRMATION OF FREEDOM OF RELIGION IN MARRIAGE. ***RSA 457:37***
Members of the clergy as described in RSA 457:31 or other persons otherwise authorized under law to solemnize a marriage shall not be obligated or otherwise required by law to officiate at any particular civil marriage or religious rite of marriage in violation of their right to free exercise of religion protected by the First Amendment to the United States Constitution or by part I, article 5 of the New Hampshire constitution.

CIVIL UNION RECOGNITION ***RSA 457:45***
A civil union legally contracted outside of New Hampshire shall be recognized as a marriage in this state, provided that the relationship does not violate the prohibitions of this chapter.

OBTAINING LEGAL STATUS OF MARRIAGE. ***RSA 457:46***

I. Two consenting persons who are parties to a valid civil union entered into prior to January 1, 2010 pursuant to this chapter may apply and receive a marriage license and have such marriage solemnized pursuant to RSA 457, provided that the parties are otherwise eligible to marry under RSA 457 and the parties to the marriage are the same as the parties to the civil union. Such parties may also apply by January 1, 2011 to the clerk of the town or city in which their civil union is recorded to have their civil union legally designated and recorded as a marriage, without any additional requirements of payment of marriage licensing fees or solemnization contained in RSA 457, provided that such parties' civil union was not previously dissolved or annulled. Upon application, the parties shall be issued a marriage certificate, and such marriage certificate shall be recorded with the Division of Vital Records Administration. Any civil union shall be dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

II. Two persons who are parties to a civil union established pursuant to RSA 457-A that has not been dissolved or annulled by the parties or merged into a marriage in accordance with paragraph I by January 1, 2011 shall be deemed to be married under this chapter on January 1, 2011 and such civil union shall be merged into such marriage by operation of law on January 1, 2011.

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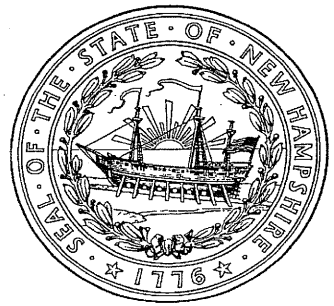
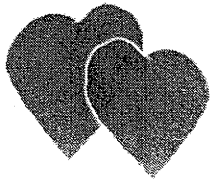
VSM 07/2010



MARRIAGE IN NEW HAMPSHIRE



Prepared by:
New Hampshire Department of State
Division of Vital Records Administration
71 South Fruit Street
Concord, New Hampshire 03301-2410
(603-271-4651)

PURPOSE AND INTENT ***RSA 457:1***
The purpose of this chapter is to affirm the right of 2 individuals desiring to marry and who otherwise meet the eligibility requirements of this chapter to have their marriage solemnized in a religious or civil ceremony in accordance with the provisions of this chapter.

EQUAL ACCESS TO MARRIAGE ***RSA 457:1-a***
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. Each party to a marriage shall be designated "bride," "groom," or "spouse."

MARRIAGES PROHIBITED ***RSA 457:2***
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.

RECOGNITION OF OUT-OF-STATE MARRIAGES ***RSA 457:3***
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.

Marriageable ***RSA 457:4***
No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage ***that is entered into by one male and one female,*** and all marriages contracted by such persons shall be null and void. ***No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.***

FILING INTENTIONS ***RSA 5-C:41, 5-C:42 & RSA 457:22***
Both parties must appear in person to file marriage intentions as the signature of each applicant is required. However, if either party, or both, is a member of the armed forces, he or she shall forward an affidavit of marriage intentions prepared by the armed services legal representative to the clerk if he or she can not appear in person.
All personal facts relative to the bride, groom, or spouse and the parents of each shall be entered accurately on the application. Errors of falsification of any fact can cause great hardship to you at a later date and may make you liable for criminal prosecution.
To be married in N.H. you do not have to establish residency. A couple wishing to marry in the State of N.H. may file their intention to marry at any N.H. city/town clerk's office regardless of their place of residence.

Marriage License Fee. The marriage license fee is set by ***RSA 5-C:42, XIII & RSA 457:29*** and payable to the clerk at the time the intentions are filed. Currently, the marriage license fee is $50.00.

ADDITIONAL DOCUMENTS REQUIRED
RSA 5-C:42 IX & RSA 457:23 and 28-a
The applicants shall supply to the clerk, prior to the issuance of the marriage license, the following documents:

- proof of age;
- a certified copy of a death certificate of spouse, if applicant is widowed;
- a certified copy of a final divorce/civil union dissolution decree, if the applicant is divorced or obtained a civil union dissolution;
- a certified copy of an annulment decree, if the applicant's previous marriage or civil union was annulled.
- Additional documentation may be requested. Please contact the city/town clerk where you plan to file your intentions.

New Hampshire does not require a blood test.

LICENSE VALIDITY PERIOD ***RSA 5-C:42 XIV & RSA 457:26-27***
A city/town clerk may issue a marriage license to the applicants the same day of the application, provided all signatures and statutory requirements are met (i.e. proof of divorce, civil union dissolution, or death of previous bride, groom, or spouse). The license shall be valid for a period of not more than 90 days from the date of filing. The marriage license should clearly state the date the license becomes valid as well as the date of expiration. The officiant shall make note of this date and under no circumstances shall the couple be married after the expiration date.

MARRIAGE AGE WAIVERS ***RSA 5-C45 & RSA 457:6***
When "good/special" cause is shown waivers may be obtained which can alter certain requirements:

Party Under Age. When either of the applicants is not yet 18 years of age but meets the minimum age requirement (female 13-17 and male 14-17) he/she may request permission to marry from a justice of the superior court or a judge of probate of the county in which one of the applicants resides. The request shall be in writing and the parents or guardian of the applicant shall join in the request. The applicant requesting the age waiver shall be a resident of this state or marrying a resident of this state. ***No age waiver shall be granted to persons below the age of consent (18) if both parties are nonresidents and/or same gender.***

SOLEMNIZATION ***RSA 457:31***
In N.H. marriages may be performed by:

I. In a civil ceremony by a justice of the peace as commissioned by the state 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 therefore 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.

After the marriage ceremony is performed the officiant will return the certificate to the city/town clerk of issuance. You may then contact any city/town clerk in New Hampshire to obtain a certified copy of the marriage certificate.

PLACE OF MARRIAGE ***RSA 5-C:42 II***
Once a valid marriage license is issued, the couple will be free to marry within any city/town in New Hampshire.

THE FEE FOR A CERTIFIED COPY OF THE MARRIAGE IS $15.00
A certified copy cannot be issued until the clerk has in his or her possession the completed copy of the certificate from the