MARRIAGE EXECUTIVE ORDER FREQUENTLY ASKED QUESTIONS

During New Jersey's Public Health Emergency, may a couple apply for a marriage or civil union license remotely?

Pursuant to Governor Murphy's Executive Order No. 135, for the duration of the Public Health Emergency, a couple may use audio-visual technology to apply for their marriage or civil union license with a local registrar. The couple is not required to appear in-person to obtain the license. The couple should contact the local registrar from whom the license is sought to seek guidance on how to apply for the license.

During the Public Health Emergency, is a couple prohibited from scheduling an appointment with the local registrar's office to apply in-person for a marriage or civil union license?

No. If the local registrar's office is open to the public or taking appointments and following social distancing guidelines, then a couple may still apply in person for a marriage or civil union license. The couple should contact the local registrar from whom the license is sought to seek guidance on how to apply for the license.

During the Public Health Emergency, may a couple wishing to get married or enter into a civil union in New Jersey apply for their marriage or civil union license in any New Jersey municipality?

No. The couple must apply for their marriage or civil union license in the New Jersey municipality where either member of the couple resides. If neither member of the couple is a New Jersey resident, the couple must submit the application in the municipality where the marriage or civil union ceremony will be performed.

If a couple is applying for a marriage or civil union license using audio-visual technology, is a specific type of technology required and will it be recorded?

Please work with the local registrar where you are applying to determine what that municipality can use. Local registrars should use a technology solution that protects privacy and confidentiality. For example, local registrars may wish to refer to guidance relative to use of video communication technology in other industries, such as from the federal Department of Health and Human Services relative to video communication technology solutions that represent that they comply with established HIPAA privacy and security requirements for telehealth, eg. https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html. The Department cannot recommend or endorse a specific technology solution. Consistent with the in-person process which is not recorded, local registrars will not record any of the audio-visual process to insure the protection of your privacy.

May a couple download the marriage or civil union license application and fill it out prior to having their audio-visual meeting with the local registrar?

Yes. The application may be found at: https://www.state.nj.us/health/vital/pro-partners-info/forms/Reg-77 . While the couple may complete their marriage or civil union license application in advance of their appointment with the local registrar, the local registrar must observe the couple and

the couple's witness signing the application. Applications that are signed in advance of the meeting with the local registrar will be rejected.

When a couple is applying virtually for a marriage or civil union license, must both members of the couple and the couple's witness be in the same physical location for the audio-visual meeting?

No. Both members of the couple and the witness are not required to be in the same location to complete the application process virtually. However, both members of the couple and the witness must be on the same audio-visual meeting with the local registrar to complete the licensing process.

Can a couple pay for a marriage or civil union license application electronically?

The couple should contact the local registrar where they are applying to learn whether the local registrar accepts electronic payments. If a local registrar is accepting electronic payments, it is recommended that the local registrar use a technology solution that protects privacy and security, such as a technology solution that complies with the payment card industry data security standard.

If a couple is applying for their civil union or marriage license virtually, how does each member of the couple and the couple's witness present their photo identifications to the local registrar?

Each member of the couple and the couple's witness may hold their photo identifications in front of the camera in a manner that allows the local registrar to clearly see the identifications and verify the information presented on them.

After the couple and the witness sign the civil union or marriage application in the presence of the local registrar during the audio-video application conference, how can the couple deliver the completed application to the local registrar for processing?

The couple may either drop off the application at the local registrar's office, if the couple has made prior arrangements to do so, or the couple may electronically submit the application to the local registrar. The local registrar will confirm receipt of the application. The local registrar will discuss with the couple the way the completed application should be submitted to the local office for processing.

Must a couple wait 72 hours from the time their marriage or civil union license is submitted to obtain their marriage or civil union license?

For the duration of the Public Health Emergency, the 72-hour waiting period is waived. A couple may receive their license as soon as their application is processed, and the license is prepared by the local registrar.

How may a couple receive their marriage or civil union license from a local registrar's office?

A couple may either pick the license up from the local registrar's office if the couple makes prior arrangements to do so, or the couple may ask the local registrar to mail it to them or send it via email. If the local registrar has a means to return the license to the couple in a secure electronic manner, such as through encrypted email transmission, the local registrar may return the license through that secure electronic manner.

May a couple appear for their marriage or civil union ceremony by using an audio-visual conference?

For the duration of the Public Health Emergency, a couple may appear for their marriage or civil union ceremony by an audio-video conference. The couple, their two witnesses and the officiant may be in different locations for the audio-video conference ceremony. However, the conference must be live and the witnesses, couple and officiant must be able to interact with one another by voice and sight.

How does the couple, their two witnesses and the officiant sign the marriage certificate after the ceremony has taken place?

To the extent that the members of the couple and/or witnesses are physically located in the same place, they shall sign the document in the physical presence of the other(s). If one or more of the individuals is located in a different physical location, once signatures are obtained in one location, the member of the couple or each witness shall immediately transmit, by fax, electronic or other means, a legible copy of the document, to the next signatory, until all signatures are obtained; and once the certificate has been signed by both members of the couple and both witnesses, the last signatory shall immediately transmit, by fax, electronic or other means, a legible copy of the signed certificate directly to the officiant, who shall sign the document. Following the video conference, the officiant shall make copies of the license and certificate and shall distribute the original and copies within the time period required by N.J.S.A. 26:8-41 and N.J.S.A. 37:1-17.1.

If the couple and the officiant are in different locations for the marriage or civil union ceremony, what will be listed as the place of marriage or place of the civil union on the couple's marriage or civil union certificate?

It is required that both members of the couple, both witnesses and the officiant all be physically located in New Jersey for the ceremony. The municipality where the officiant is located will be listed as the place of marriage on the marriage certificate.