

1 SENATE BILL 39

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO DOMESTIC AFFAIRS; REQUIRING THAT SOLEMNIZATION OF A
12 MARRIAGE BE PERFORMED BY A NOTARY PUBLIC OR NOTARIAL OFFICER.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 40-1-2 NMSA 1978 (being Laws 1859-
16 1860, p. 120, as amended) is amended to read:

17 "40-1-2. MARRIAGES SOLEMNIZED--ORDAINED CLERGY OR CIVIL
18 MAGISTRATES MAY SOLEMNIZE--NOTARY PUBLIC OR OFFICER
19 REQUIREMENT.--

20 A. The civil contract of marriage is entered into
21 when solemnized as provided in Chapter 40, Article 1
22 NMSA 1978. As used in Chapter 40, Article 1 NMSA 1978,
23 "solemnize" means to join in marriage before witnesses by means
24 of a ceremony.

25 B. A person who is an ordained member of the clergy

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underscoring material = new
[bracketed material] = delete

1 or who is an authorized representative of a federally
2 recognized Indian nation, tribe or pueblo may solemnize the
3 contract of marriage without regard to sect or rites and
4 customs the person may practice.

5 C. Active or retired judges, justices and
6 magistrates of any of the courts established by the
7 constitution of New Mexico, United States constitution, laws of
8 the state or laws of the United States are civil magistrates
9 having authority to solemnize contracts of marriage. Civil
10 magistrates solemnizing contracts of marriage shall charge no
11 fee therefor.

12 D. A person, other than an authorized
13 representative of a federally recognized Indian nation, tribe
14 or pueblo, who is otherwise authorized to solemnize a contract
15 of marriage pursuant to this section shall be authorized to
16 perform notarial acts as a notary public or notarial officer
17 pursuant to the Revised Uniform Law on Notarial Acts at the
18 time solemnization of a marriage contract is sought."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2023.

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