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HOUSE BILL 557

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Tara L. Lujan

AN ACT

RELATING TO MARRIAGE; ALLOWING MARRIAGES TO BE CONDUCTED VIA
TELECOMMUNICATION.

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

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

"40-1-2. MARRIAGES SOLEMNIZED--ORDAINED CLERGY OR CIVIL
MAGISTRATES MAY SOLEMNIZE.--

A. The civil contract of marriage is entered into
when solemnized as provided in Chapter 40, Article 1
NMSA 1978. As used in Chapter 40, Article 1 NMSA 1978:

(1) "solemnize" means to join in marriage
before witnesses by means of a ceremony; and

(2) "witness" means a person at least eighteen
years of age that observes a ceremony in real time, whether in

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1 person or via telecommunication.

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

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

14 SECTION 2. Section 40-1-10 NMSA 1978 (being Laws 1905,
15 Chapter 65, Section 1, as amended) is amended to read:

16 "40-1-10. LICENSE REQUIRED--COUNTY CLERK.--

17 A. Each couple desiring to marry pursuant to the
18 laws of New Mexico shall first obtain a license from a county
19 clerk of this state and, following a ceremony conducted by a
20 person authorized by the laws of this state to solemnize
21 marriages who is physically present in this state at the time
22 of the ceremony, file the license for recording in the county
23 issuing the license.

24 B. To obtain a marriage license, the couple shall
25 personally appear at the office of the county clerk issuing the

1 license and provide sufficient identification to satisfy the
2 county clerk as to each person's identity and qualification to
3 receive a marriage license pursuant to Chapter 40, Article 1
4 NMSA 1978. On application to a judge of the district court,
5 the court, for good cause, may authorize a person unable to
6 appear personally to obtain a license from the county clerk,
7 and a certified copy of the judicial authorization shall be
8 filed with the county clerk.

9 C. The county clerk:

10 (1) shall collect the social security number
11 of an applicant for a marriage license only as provided for in
12 Section 27-1-10 NMSA 1978;

13 (2) shall not make available a social security
14 number to another person except as provided for in Section
15 27-1-10 NMSA 1978; and

16 (3) may, thirty days after the commencement of
17 each fiscal year, dispose of, in a secure manner, those social
18 security numbers collected in the previous fiscal year that
19 have not been requested as provided for in Section 27-1-10 NMSA
20 1978."