

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

SPONSOR Lujan LAST UPDATED _____
ORIGINAL DATE 2/28/25
BILL
SHORT TITLE Allow Telecommunication Marriages NUMBER House Bill 557
ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From
New Mexico Counties

SUMMARY

Synopsis of House Bill 557

House Bill 557 (HB557) proposes to amend Section 40-1-2 NMSA 1978, the statute governing marriage solemnization. The bill would add language to allow for a “witness” and would define it as a person who is at least 18 years of age and observes the ceremony in real time, either in person or via telecommunication.

HB557 also proposes to amend Section 40-1-10 NMSA 1978, the statute governing marriage licenses issued by county clerks. The bill would add language to clarify that a marriage ceremony is to be conducted by a person authorized by the laws of New Mexico to solemnize marriages who is physically present in New Mexico at the time of the ceremony.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The Administrative Office of the Courts (AOC) provides the following:

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and the involvement of judicial officers in marriage ceremonies. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

AOC provides the following:

1. New Mexico does not recognize a marriage which is not formally consummated by contract and solemnized before an official. *Hazlewood v. Hazlewood*, 1976-NMSC-074, 89 N.N. 659, 556 P.2d 345, *Merrill v. Davis*, 1983-NMSC-070, 100 N.M. 552, 673 P.2d 1285.

There is a question as to how a witness will be able to sign a marriage certificate if they are not present.

2. The title to the bill is “Allow Telecommunications Marriages.” The HB557 amendment to Section 40-1-2 NMSA 1978 allows a witness to observe a ceremony in real time, in person or via telecommunication. The amendment does not permit the person solemnizing the marriage to solemnize via telecommunication. (Subsection A(1) appears to delineate between the person solemnizing and witness, defining “solemnize” to mean to join in marriage before witnesses.) In fact, the HB 557 amendment to 40-1-10 NMSA 1978 requires the licensed person who is solemnizing the marriage to be physically present in New Mexico at the time of the ceremony. Does this permit a person who is physically present in New Mexico to solemnize a wedding via telecommunication, as long as they are actually physically present in this state? That is unclear.

There is also no explicit granting of the ability for the parties to a marriage to appear at the ceremony via telecommunication.

The New Mexico Attorney General (NMAG) provides the following:

The term “telecommunication” is not defined in HB557 and does not reference a definition elsewhere in statute. HB557’s language could cause confusion because it does not specify if the witness would be required to have both audio and visual display of the ceremony to satisfy the requirements. Furthermore, HB557’s proposed language also does not provide for how a witness would sign a marriage certificate if they observed the ceremony in real time via telecommunications. This could cause confusion and legal issues in issuing marriage licenses in the state to ensure validity.