

CAN A TOWN CLERK ISSUE A MARRIAGE LICENSE TO COUPLES THAT ARE NOT RESIDENTS OF THE TOWN?

Yes, but only if the bride and the groom do not live in Vermont.

If only one of them lives in Vermont, the Vermont resident must obtain a marriage license from the town clerk where he or she resides. 18 V.S.A. § 5131.

If both the bride and the groom are residents of Vermont, only one of them needs to obtain the license from the town clerk where he or she resides.

The person obtaining the license must sign it to attest that all the information on the document is true. He or she must also sign an affidavit (or provide other proof) certifying that both parties are free to marry under Vermont law. 18 V.S.A. § 5141. If the ceremony is not performed within sixty days, the license becomes void. 18 V.S.A. § 5131 (b).

Within 10 days after the marriage, the individual who performed the ceremony must complete certain sections of the license and return it to the town clerk who issued the license. Once the document is complete it becomes the marriage certificate.

A clerk may be subject to fines (18 V.S.A. §§ 5139, 5141, 5143) if he or she:

- issues a license in violation of 18 V.S.A. § 5142 concerning restrictions on minors and others with legal guardians;
- issues a license to an individual who resides in another town in the state; or
- issues a license without requiring the applicant to fill out, sign and certify that the information contained in the license is true and that the couple is free to marry.

Stephanie Smith, Senior Associate, VLCT Municipal Assistance Center

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