

Marriage Equality Act Frequently Asked Questions

What is the Marriage Equality Act?

On June 24, 2011, Governor Andrew M. Cuomo signed into law the Marriage Equality Act. The Law amends New York's Domestic Relations Law in the following ways:

- Applications for a marriage license shall be granted regardless of whether the parties are of the same or a different sex;
 - A marriage that is otherwise valid shall be valid regardless of whether the parties to the marriage are of the same or a different sex;
 - No government treatment or legal status, effect, right, benefit, privilege, protection or responsibility relating to marriage shall differ based on the parties to the marriage being of the same sex or a different sex;
- No religious entity, benevolent organization or not-for-profit corporation that is operated, supervised or controlled by a religious entity, or its employees, can be required to perform marriage ceremonies or provide its facilities for marriage ceremonies, consistent with its religious principles.

Who can get married now?

Any couple that meets current requirements for getting married in New York State is eligible to marry regardless of sex. More information on the requirements of getting married in New York State is available at http://www.health.ny.gov/vital_records/marriage.htm.

When is the earliest I can get married under the Marriage Equality Act?

The Marriage Equality Act is effective July 24, 2011. The earliest a couple may apply for a marriage license under the Act is July 24, 2011. Please note, however, because July 24 is a Sunday, many town and city clerks' offices may be closed. Please contact your local clerk's office to confirm their hours of operation on July 24th and for the remainder of the week, as some clerks' offices may offer extended hours. Additionally, state law requires a 24-hour waiting period from the issuance of a marriage license before a marriage can occur, unless a waiver is obtained by the applicants. Please see question and answer below regarding how an applicant can obtain a waiver to bypass the 24-hour waiting period.

Is there a waiting period?

Yes. Although the marriage license is issued immediately upon application, current law mandates that the marriage ceremony cannot take place within 24 hours from the exact time that the license was issued. When both applicants are 16 years of age or older, the 24-hour waiting period may be waived by an order of a justice of the Supreme Court or a judge of the County Court of the county in which either of the applicants resides. If either person is under 16 years of age, the order must be from the Family Court judge of the county in which the person under 16 years of age resides. There is no waiting period for a second or subsequent marriage ceremony.

What is a second or subsequent marriage ceremony?

A second or subsequent ceremony occurs when a couple can prove that they are already married to each other, regardless of where the marriage occurred and wish to remarry the same person (i.e., renew their vows) in New York State. This includes valid marriages between same-sex couples that have already occurred in other jurisdictions. New York State issues a second or subsequent marriage certificate to such couples. The 24-hour waiting period is not a requirement for second or subsequent ceremonies.

Where can I obtain the form for a marriage license?

A couple that intends to be married in New York State must apply in person for a marriage license to any town or city clerk in the state outside of New York City. The application for a license must be signed by both applicants in the presence of the town or city clerk. A representative cannot apply for the license on behalf of either applicant. This applies even if the representative has been given a Power of Attorney. Notarized marriage license affidavits signed by one or both applicants cannot be substituted for their personal appearance. In New York City, a license can be obtained at: http://www.cityclerk.nyc.gov/html/marriage/marriage_bureau.shtml

Are town or city clerks required to give me a marriage license?

Yes, under New York State Law, the town or city clerk must provide a license to applicants who meet all marriage requirements for New York State.

Where can I get more information on getting married in New York State?

More information is available at <http://www.health.ny.gov/publications/4210/>