

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-2

A. A person may solemnize the contract of matrimony by means of an ordained clergyman or authorized representative of a federally recognized Indian tribe, without regard to the sect to which he may belong or the rites and customs he may practice. B. Judges, justices and magistrates of any of the courts established by the constitution of New Mexico, United States constitution, laws of the state or laws of the United States are civil magistrates having authority to solemnize contracts of matrimony. C. Civil magistrates solemnizing contracts of matrimony shall charge no fee therefor.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-3

It is lawful for any religious society or federally recognized Indian tribe to celebrate marriage conformably with its rites and customs, and the secretary of the society or the person presiding over the society or federally recognized Indian tribe shall make and transmit a transcript to the county clerk certifying to the marriages solemnized.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-4

All marriages celebrated beyond the limits of this state, which are valid according to the laws of the country wherein they were celebrated or contracted, shall be likewise valid in this state, and shall have the same force as if they had been celebrated in accordance with the laws in force in this state.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-1

Marriage is contemplated by the law as a civil contract, for which the consent of the contracting parties, capable in law of contracting, is essential.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-5

No person under the age of majority can marry, unless he obtains the consent of his parent, guardian or of the person under whose charge he is, and for that purpose the presence of those parties, or of a certificate in writing authenticated before competent authority, is required. No person under the age of sixteen years may marry, with or without the consent of his parent or guardian, unless the marriage is authorized under the provisions of Subsection B of Section 40-1-6 NMSA 1978.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-6

A. No person authorized by the laws of this state to celebrate marriages shall knowingly unite in marriage: (1) any person under the age of eighteen years without the consent of his parent or guardian; or (2) any person under the age of sixteen years with or without the consent of his parent or guardian. B. The children's or family court division of the district court may authorize the marriage of persons under the ages stated in Subsection A of this section in settlement of proceedings to compel support

and establish parentage, or where the female is under the age of consent and is pregnant, if the marriage would not be incestuous.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-7

All marriages between relations and children, including grandfathers and grandchildren of all degrees, between half brothers and sisters, as also of full blood; between uncles and nieces, aunts and nephews, are hereby declared incestuous and absolutely void. This section shall extend to illegitimate as well as to legitimate children.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-8

If any person prohibited from contracting marriage by the foregoing sections, shall violate the provisions thereof by contracting marriage contrary to the provisions of said sections, he or they shall be punished by fine on conviction thereof, in any sum not less than fifty dollars [(\$50.00)]; and every person authorized under the laws of this state to celebrate marriages, who shall unite in wedlock any of the persons whose marriage is declared invalid by the previous sections of this chapter, on conviction thereof, shall be fined in any sum not less than fifty dollars [(\$50.00)].

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No marriage between relatives within the prohibited degrees or between or with infants under the prohibited ages, shall be declared void, except by a decree of the district court upon proper proceedings being had therein. A cause of action may be instituted by the minor, by next friend, by either parent or legal guardian of such minor or by the district attorney. In the case of minors, no party to the marriage who may be over the prohibited age shall be allowed to apply for or obtain a decree of the court declaring such marriage void; but such minor may do so, and the court may in its discretion grant alimony until the minor becomes of age or remarries. All children of marriage so declared void as aforesaid shall be deemed and held as legitimate with the right of inheritance from both parents; and also in the case of minors, if the parties should live together until they arrive at the age under which marriage is prohibited [permitted] by statute, then and in that case, such marriage shall be deemed legal and binding.

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Each couple desiring to marry in New Mexico shall obtain a license from a county clerk and file the same for recording in the county issuing the license, following the marriage ceremony. Except as provided in Section 40-1-6 NMSA 1978, a county clerk shall issue no license for the marriage of any person under the age of majority without the consent of his parent or guardian. It shall be the duty of each county clerk to require the affidavit of at least two reliable persons who are acquainted with the age of the applicant for license, as to the age of whom a county clerk may be in doubt, and the failure of any county clerk to perform his duty under this section shall be grounds for the removal of the county clerk from office, in the manner provided for the removal from office of county officers for misfeasance or malfeasance in office.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-11

A. Before any county clerk issues any marriage license, each applicant for a marriage license shall file with the county clerk a certificate from a physician licensed to practice medicine, which certificate shall state that the applicant has had those tests and examinations as required by regulation of the health and environment department [department of health]. Such tests and examinations shall be made not more than thirty days prior to the date of application for license. The certificate shall state that medical evaluation or that treatment, as indicated, has been made such that there is no bar to marriage, as specified by the regulations of the health and environment department [department of health]. B. The certificate of the physician shall be on a form to be provided and distributed by the health services division [department of health] to all officers authorized to issue marriage licenses and to all physicians within the state. C. The secretary of health and environment [secretary of health] shall make rules and regulations and employ personnel necessary to effectuate the purposes of Sections 40-1-11 through 40-1-13 NMSA 1978. If regulations require a laboratory test, it shall be done in a laboratory approved by the secretary of health and environment [secretary of health]. D. A county clerk shall accept, in lieu of the physician's certificate, a certificate from any other state having premarital laws, if issued within the time limits prescribed in Subsection A of this section and if such laws meet the regulations of the secretary of health and environment [secretary of health]. E. The county clerk shall receive a fee of twenty-five dollars (\$25.00) for issuing, acknowledging and recording a marriage license and marriage certificate. Fifteen dollars (\$15.00) of each fee shall be remitted by the county treasurer to the state treasurer, within fifteen days of the last day of each month, for credit to the children's trust fund.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-12

On application to a judge of a court of record, the court for good cause shown may order the provisions of Section 1 [40-1-11 NMSA 1978] waived and a certified copy of said order shall be filed with the county clerk.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-13

Failure of any county clerk to perform his duty under Section 1 [40-1-11 NMSA 1978] shall be grounds for removal, in the manner provided for removal from office of county officers for misfeasance or malfeasance in office.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-14

All persons authorized to solemnize marriage shall require the parties contemplating marriage to produce a license signed and sealed by the county clerk authorizing said marriage. Nothing in this chapter shall excuse any person from exercising the same care in satisfying himself as to the legal qualifications of any parties desiring him to perform the marriage ceremony, now required of him by law, in addition to the authority conferred by the license aforesaid.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-15

It shall be the duty of all persons performing the marriage ceremony in this state as herein provided, to certify said marriage to the county clerk within ninety days from the date of marriage. The county clerk shall immediately upon receipt of said certificate cause the same to be properly recorded and indexed in a permanent record book kept for that purpose as a part of the county records.

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Nothing in this chapter shall be construed to in any manner interfere with the records kept by any civil magistrate, religious society or church organization, or with any additional form of ceremony, regulation or requirement prescribed by them.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-17

To insure a uniform system of records of all marriages hereafter contracted, and the better preservation of said record for future reference, the form of application, license and certificate provided herein shall be substantially as follows, each blank to be numbered consecutively corresponding with page number of the record book in the clerk's office; all such blanks to be provided free of cost by the county for public use.

New Mexico Statutes Annotated Chapter 40: Domestic Affairs Article 1: Marriage in General § 40-1-18

APPLICATION FOR MARRIAGE LICENSE No. _____ STATEMENTS RECEIVED AND FILED IN COUNTY CLERK'S OFFICE at _____ o'clock _____ .M. _____ 19 _____

_____ DATE OF PREMARITAL PHYSICAL EXAMINATION Bride

_____ Groom

_____ COUNTY CLERK _____

COUNTY By _____ Deputy To the County Clerk: We the undersigned hereby make application to be united in marriage and certify that we are not related within the degree prohibited by the laws of this state; that neither is bound by marriage to another; that there exists no legal impediment to this marriage; and that the information contained herein is correct. Male Applicant Female Applicant Date of Date of Birth _____ Birth _____

_____ Place of Place of Birth _____

Birth _____ Present Present Address _____

_____ Address _____

_____ Signature

Signature Subscribed and sworn to before me this _____ day of _____ A.D. 19 _____

(seal) _____ By _____ Deputy

Signature County Clerk CONSENT OF PARENT OR GUARDIAN (Where either party is under age) I, the parent (guardian) of _____, hereby consent to the granting of a license to marry, waiving the question of minority. _____ Signature Parent

(Guardian) I, the parent (guardian) of _____, hereby consent to the granting of a license to marry, waiving the question of minority. _____

Signature Parent (Guardian) MARRIAGE LICENSE State of New Mexico, ss. County of _____ . To

any Person Authorized by Law to Perform the Marriage Ceremony: Greeting: You are hereby authorized

to join in marriage _____ of _____ and _____ of _____ and of this license you will make due return to my office within the time prescribed by law. Witness my hand and the seal of said court at _____ this _____ day of _____, 19 _____. _____ County Clerk Recorded _____, 19 _____, at _____ .M. In marriage record book no. _____, page _____.

_____ County Clerk MARRIAGE CERTIFICATE State of New Mexico, ss. County of _____. I hereby certify that on the _____ day of _____, A. D., 19 _____, at _____ in said county and state, I, the undersigned, a _____, did join in the Holy Bonds of Matrimony in accordance with the laws of the state of New Mexico and the authorization of the foregoing license _____ of _____ and _____ of _____. Witness my hand and seal the day and year last above written. _____ (Official Title) WITNESSES:

_____ Signed _____ Groom Signed _____ Bride. Recorded this _____ day of _____, A. D., 19 _____, at _____ M. Marriage Record Book No. _____, Page No. _____. _____ County Clerk

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-19

Any county clerk, or person authorized by law to perform the marriage ceremony, who shall neglect or fail to comply with the provisions of the eight preceding sections, and any person who shall willfully violate the law by deceiving or attempting to deceive or mislead any officer or person authorized to perform the marriage ceremony in order to obtain a marriage license or to be married, contrary to law, shall be deemed guilty of a misdemeanor and upon conviction be fined in any sum not less than fifty dollars [(\$50.00)] nor more than one hundred dollars [(\$100)], or by imprisonment in the county jail for not less than ten days nor more than sixty days or by both fine and imprisonment, in the discretion of the court.

New Mexico Statutes Annotated - Chapter 40: Domestic Affairs - Article 1: Marriage in General § 40-1-20

All marriages celebrated or contracted in the territory of New Mexico, during the year A.D. 1905, without the persons entering into the marriage relation, having first obtained a license from the probate clerk of the proper county, but which marriages were valid according to the law as it existed prior to April 13, 1905, are hereby validated and legalized and shall have the same force and effect as if such marriages had been celebrated or contracted after the parties contracting such marriage had first obtained a license to marry from the probate clerk of the county wherein such marriage occurred.