

Opinion No. 68-53

May 27, 1968

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Ernestine D. Evans Secretary of State State Capitol Santa Fe, N. M.

QUESTION

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How long does a marriage license remain valid after issuance by the County Clerk?

CONCLUSION

See analysis.

OPINION

{*89} ANALYSIS

In your letter requesting an opinion you indicate that at least in one county these licenses are thought to be valid for only thirty days after issuance. Other counties maintain they are valid indefinitely.

It is our opinion that there is no time limitation on the validity of marriage licenses. There is no time period set out in the applicable statutes and to set a time limit would be strictly arbitrary.

The time problem is apparently created by Section 57-1-10.1, N.M.S.A., 1953 Compilation. This section requires an examination be made by a physician for venereal diseases not more than thirty days prior to the date of the application for a marriage license. We cannot say, however, that because of this section a marriage license is good for only thirty days or any other specific number of days. Attorney General Opinion No. 67-65 ruled that the physician's certificate had to be filed at the time a marriage license is applied for. Opinion No. 67-65 also discussed the three day waiting **{*90}** period provided for in Section 57-1-11.1, N.M.S.A., 1953 Compilation (P.S.). The consequence of the three day waiting period is that the physician's examination can be over thirty days old when a license is issued but have been valid when the application was filed. Therefore the thirty day period in Section 57-1-10.1, supra, cannot control the time a marriage license is valid.

Since there is no statutory provision controlling the time a marriage license is valid we must conclude that the license does not expire.

By: Roy G. Hill

Deputy Attorney General