EXECUTIVE ORDER NO. 135

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, Executive Order No. 107 (2020) ordered steps to mitigate community spread of COVID-19; and

WHEREAS, Executive Order No. 107 (2020) directed all New Jersey residents to remain at home or at their place of residence, unless they qualified under certain defined categories, including reporting to, or performing, their job; and

WHEREAS, Executive Order No. 107 (2020) directed all businesses or non-profits in the State, whether closed or open to the public, to accommodate their workforce, wherever practicable, for telework or work-from-home arrangements; and

WHEREAS, Executive Order No. 107 (2020) stated that businesses or non-profits who have employees who cannot perform their functions via telework or work-from-home arrangements should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 104 (2020) directed that all public, private and parochial schools, including charter and renaissance schools, close to the public beginning on March 18, 2020, and Executive Order No. 107 (2020) directed those schools to remain closed; and

WHEREAS, compliance with the social distancing strategies and travel restrictions required by Executive Orders No. 104 and 107 (2020) impact the ability of the residents of this State to comply with certain statutory requirements to appear in person before certain public officials when seeking to obtain certain licenses, certificates, and other benefits; and

WHEREAS, under N.J.S.A. 37:1-2, persons intending to be married or to enter into a civil union must obtain a marriage or civil union license from a licensing officer and deliver it to the person who is to officiate; and

WHEREAS, under N.J.S.A. 37:1-7 and -8, individuals seeking to obtain a marriage or civil union license must appear personally or through an attorney-in-fact before the licensing officer and, in the presence of the licensing officer, subscribe and swear to an oath attesting to certain facts respecting the legality of the proposed marriage or civil union, which must also be verified by a witness of legal age; and

WHEREAS, under N.J.S.A. 37:1-4, a marriage or civil union license shall not be issued sooner than 72 hours after an application has been made, and a license so issued shall be good and valid only for 30 days after the date of issuance; and

WHEREAS, under N.J.S.A. 37:1-17, the certificate of marriage or civil union must be signed by the officiant by or before whom the marriage or civil union was solemnized, who must also indicate the date and place of the marriage or civil union; and

WHEREAS, under N.J.S.A. 37:1-17, the certificate of marriage or civil union must also be signed by at least two witnesses who were present at the marriage or civil union ceremony; and

WHEREAS, to comply with my directives to implement social distancing strategies and to limit person-to-person interactions in accordance with CDC and New Jersey Department of Health ("DOH") guidance, certain municipal and State offices have implemented telework or work-from-home arrangements, thus reducing staff on site to the minimal number necessary to continue essential operations; and

WHEREAS, given my direction to strictly observe social distancing practices, including my direction that employees work remotely, individuals seeking to marry or enter into a civil union may be unable to appear in person before a licensing official and/or to solemnize the marriage or civil union as required in the presence of an officiant and two witnesses within 30 days of issuance of the license; and

WHEREAS, the requirements that individuals seeking to marry or enter into a civil union must appear in person to effectuate the arrangement may be accomplished for a limited time period through the use of audio-visual technology, also referred to as video conferencing, while nevertheless providing confidence that marriages and civil unions are entered into legitimately and free of duress; and

WHEREAS, for these reasons, among others, strict enforcement of the various statutory requirements to appear in person relating to marriage or civil union licenses is detrimental to the public welfare; and

WHEREAS, in light of the current crisis, individuals may need to expedite their marriage or civil union, so that the 72-hour waiting period between application and issuance of license should be suspended; and

WHEREAS, N.J.S.A. 34:2-21.7(a) generally prohibits the employment of minors under the age of 18 years of age unless the employer procures and keeps on file an employment certificate or special permit for the minor that is issued by the issuing officer of the school district in which the child resides or, if the child is a nonresident of the State, of the district in which the child has obtained a promise of employment; and

WHEREAS, N.J.S.A. 34:2-21.8 provides that a school district issuing officer shall issue an employment certificate or special permit only upon the application in person of the minor desiring employment; and

WHEREAS, N.J.S.A. 34:2-21.10 provides that, upon issuance of such certificate, it must be signed by the child in whose name it is issued in the presence of the issuing officer; and

WHEREAS, given the closure of all public schools, minors are unable to appear personally before school district issuing officers in order to apply for or sign the employment certificate as required by applicable statutes; and

WHEREAS, the inability of minors to obtain employment certificates as required by law will render them unable to obtain gainful employment; and

WHEREAS, the requirements that minors appear personally before school district issuing officers in order to apply for or sign the employment certificate may be accomplished for a limited time period through the use of audio-visual technology, while nevertheless providing confidence that such arrangements are entered into legitimately; and

WHEREAS, for these reasons, among others, strict enforcement of the various statutory requirements to appear in person relating to employment certificates for such minors is detrimental to the public welfare; and

WHEREAS, while it is critical to ensure that individuals are able to use audio-visual technology in order to obtain marriage or civil union licenses or necessary employment certificates during the Public Health Emergency declared for COVID-19, it is important to recognize that not all such individuals have equal access to or experience with such technology, and thus it is important to ensure that such individuals can still obtain the applicable licenses or employment certificates without audio-visual technology; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq. and N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For the duration of the Public Health Emergency declared in Executive Order No. 103 (2020), the provisions of N.J.S.A. 37:1-7 and N.J.S.A. 37:1-8 requiring that individuals who wish to marry or enter into a civil union appear personally before a licensing official may be satisfied through the use of audio-visual technology under the following conditions:

   a. The video conference shall be live and must allow for interaction between the couple, the licensing official, and a witness;

   b. During the video conference, the following steps must occur in a way that is visible and audible to the couple, the licensing official, and a witness:

i. Both members of the couple and the witness present valid photo identification and any other documents necessary to allow the licensing official to fulfill their statutory duty;

ii. The licensing official administers the oath;

iii. Each member of the couple and the witness shall sign the license application. To the extent that the members of the couple and/or witness are physically located in the same place, they shall sign the document in the physical presence of the other(s). If one or more of the individuals is located in a different physical location, once signatures are obtained in one location, the member of the couple or witness shall transmit, a legible copy of the document, to the next signatory, until all signatures are obtained; and

iv. The final signatory shall transmit a legible copy of the signed license application directly to the licensing official, who shall confirm receipt of the document on the day of transmission.

2. For the duration of the Public Health Emergency declared in Executive Order No. 103 (2020), the provisions of N.J.S.A. 37:1-17 requiring that the marriage or civil union be solemnized in the physical presence of an officiant and two witnesses, who will then sign the certificate, may be satisfied through the use of audio-visual technology under the following conditions:

a. The video conference shall be live and must allow for interaction between the couple, the officiant, and the two witnesses;

b. During the video conference, the following steps must occur in a way that is visible and audible to the couple, the officiant, and the two witnesses:

i. The couple shall present their marriage or civil union license to the officiant;

ii. The officiant, each witness, and both members of the couple shall affirm that they are physically situated in the State, though they are not required to be situated in the same municipality. The officiant shall identify the municipality and address where he or she is physically situated and denote that municipality and address as the place of marriage or civil union on the certificate;

iii. Each member of the couple and each witness shall sign the marriage or civil union certificate. To the extent that the members of the couple and/or witnesses are physically located in the same place, they shall sign the document in the physical presence of the other(s). If one or more of the individuals is located in a different physical location, once signatures are obtained in one location, the couple or each witness shall transmit a legible copy of the document, to the next signatory, until all signatures are obtained; and

iv. Once the certificate has been signed by both members of the couple and both witnesses, the last signatory shall transmit a legible copy of the signed certificate to the officiant at the conclusion of the conference, who shall sign the document on the date of transmission.

c. Following the video conference, the officiant shall make copies of the license and certificate and shall distribute the original and copies in the manner and within the time period required by N.J.S.A. 26:8-41 and N.J.S.A. 37:1-17.1; and

d. In effectuating the transmission contemplated in this section, local registrars shall use a means that is secure and maintains the confidentiality of the documents.

3. For the duration of the Public Health Emergency, the provisions of N.J.S.A. 37:1-4 requiring a 72-hour waiting period between the license application and issuance shall be waived.

4. Notwithstanding N.J.S.A. 37:1-4, any marriage or civil union license issued during the Public Health Emergency shall be valid for 90 days.

5. For the duration of the Public Health Emergency declared in Executive Order No. 103 (2020), the fees imposed by N.J.S.A. 37:1-12 and N.J.S.A. 37:1-12.1 for the issuance of a marriage or civil union license shall be waived if the couple seeks a second license, mirroring the original license, due to the expiration of the original.

6. The New Jersey Office of Emergency Management, in consultation with the Commissioner of DOH, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the above-outlined process and requirements.

7. For the duration of the Public Health Emergency declared in Executive Order No. 103 (2020), the provisions of N.J.S.A. 34:2-21.8 and N.J.S.A. 34:2-21.10, requiring the personal appearance of the minor, and, under certain circumstances, the minor's parent or guardian, before school district issuing officers in order to apply for or sign employment certificates may be satisfied through the use of audio-visual technology. Each public school district shall develop and implement procedures to satisfy the statutory requirements without requiring in-person contact between the school district issuing official and the minor, under the following conditions:

a. During the application process, the child and the school district licensing officer may transmit a single copy of all required documentation by way of electronic transmission, fax, or any other means of transfer of

documents developed by the school district that avoids in-person contact, is secure, and maintains the confidentiality of the documents;

b. The video conference shall be live and must allow for interaction between the child and the school district issuing officer, and when applicable, the parent or guardian. During the video conference, the child shall verify his or her identity, authenticate the documents submitted, and sign the application, in a way that is visible and audible to the school district issuing officer; and

c. Following the video conference, the child shall transmit the signed certificate, by electronic or other means as determined by the school district, to the issuing officer, who shall make the requisite copies and distribute the original and copies as required by N.J.S.A. 34:2-21.7.

8. Nothing in this Order shall be construed to require that the marriage or civil union licensing process or ceremony, or the minor employment certification process, occur through the use of audio-visual technology. Applicable public officials should make all reasonable efforts, consistent with the enhanced social distancing and mitigation practices detailed in this State's Executive Orders, including but not limited to Executive Order No. 107 (2020), to accommodate applicants who may lack the technological resources necessary to engage in these processes through audio-visual means. Where in-person services are offered, public officials must similarly require participants and staff to wear cloth face coverings and must implement sanitization protocols, consistent with Executive Order No. 122 (2020).

9. To the degree that that they are inconsistent with this Order, the provisions of N.J.S.A. 37:1-2, N.J.S.A. 37:1-4, N.J.S.A. 37:1-7 and -8, N.J.S.A. 37:1-12, N.J.S.A. 37:1-12.1, N.J.S.A. 37:1-17, N.J.S.A. 34:2-21.8, and N.J.S.A. 34:2-21.10 are suspended for the duration of the

Public Health Emergency. Any provisions of these statutes that are not inconsistent with this Order remain in full force and effect.

10. This Order shall take effect on Monday, May 4, 2020 and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this 1st day of May, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor