The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

No. 2020-05-13-02

ENABLING ALTERNATIVE PROCESSES FOR MARRIAGE APPLICATIONS AND CEREMONIES

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020 and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily through close contact between people and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend "social distancing" — maintaining physical separation between people — to reduce the spread of COVID-19;

WHEREAS, Applying for marriage licenses or conducting marriage ceremonies by appearing at the offices of the clerk of the circuit court may place applicants and court staff in close contact with each other, thereby increasing the risk that COVID-19 could spread among them;

WHEREAS, A seasonal increase in marriages is anticipated;

WHEREAS, In order to prevent the spread of COVID-19 and protect the public health, welfare, and safety, it is necessary and reasonable that citizens and court staff refrain from congregating as part of the marriage process; and

WHEREAS, It is further necessary to suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision that requires people to be in close contact to complete a marriage;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions.

a. "Authorized official" means an individual authorized by the laws of this State to perform a marriage ceremony.

b. "County" includes Baltimore City.

c. "Clerk" means a clerk of the circuit court for a county.

d. "Marriage license" means a license to marry issued in this State.

e. "Video conferencing" includes other similar audiovisual electronic means.

II. The effect of § 2-402 of the Family Law Article of the Maryland Code ("FL") is suspended such that a party to be married may apply, to the clerk for the county in which the marriage is to be performed, for a marriage license by providing to the clerk:

a. a signed marriage application by mail, courthouse drop box, or email; and

b. payment as directed by the clerk.

III. The information on an application shall be sworn to:

a. under oath before the clerk through the use of video conferencing; or

b. if the use of video conferencing is not practical under the circumstances, in an affidavit included with the application.

IV. The period of validity and effectiveness of a marriage license is tolled during the state of emergency and catastrophic health emergency.

V. If, from the information given by the applicants while applying for a marriage license, the clerk finds that there is a legal reason why the applicants should not be married, the clerk may withhold the license unless ordered by the court to issue the license.

VI. An authorized official may, from a different physical location than the parties to be

married, perform a marriage ceremony through the use of video conferencing provided that the parties are both physically present at a single location in the county where the marriage license is issued.

VII. The effect of FL § 2-409(b)(1) is suspended such that an authorized official who performs a marriage ceremony may deliver a marriage certificate to the individuals by mail, email, or other electronic format.

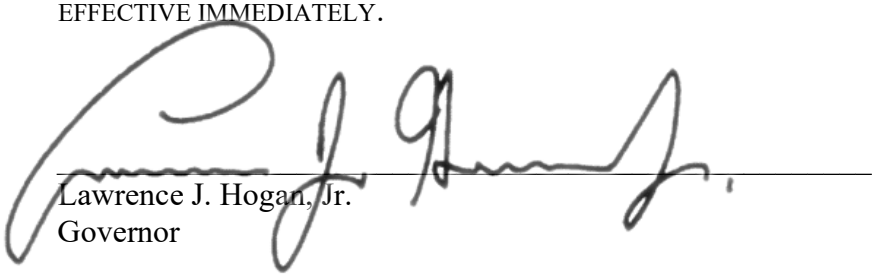
VIII. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

IX. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended.

X. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

XI. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 13TH DAY OF MAY, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor