



OFFICE OF
THE DISTRICT ATTORNEY
NASSAU COUNTY

KATHLEEN M. RICE
DISTRICT ATTORNEY

To: Nassau County Town & City Clerks

From: Kathleen M. Rice

Date: July 8, 2011

Re: Marriage Licenses for Same-Sex Couples

As you know, New York State's passage of the Marriage Equality Act amends the Domestic Relations Law to provide for marriage between members of the same sex. I believe it is important that gay and lesbian couples know that they will be treated equally and with the dignity they deserve when applying for a marriage license in Nassau County.

Recently, a local clerk in upstate New York made headlines when she said she would not issue marriage licenses to same-sex couples. The Marriage Equality Act provides that an application for a marriage license cannot be denied on the grounds that the applicant parties are of the same sex and the law affords no discretion to public officials charged with granting marriage licenses. Therefore, any such refusal may be subject to criminal prosecution.

The religious exemptions in the Marriage Equality Act are inapplicable to town and city clerks serving in their license-granting roles, and a public official's intentional refusal to issue marriage licenses to qualified same-sex couples may constitute Official Misconduct, a Class A misdemeanor defined in section 195.00 of the New York State Penal Law.

The New York State Department of Health will promulgate information to assist you with issuing same-sex marriage licenses before the Marriage Equality Act is effective on July 24, 2011. I am confident that public officials in Nassau County will comply with the law and my office is prepared to offer any assistance necessary to ensure that same-sex couples have access to marriage licenses without issue.

Thank you for your time and your dedication to the people of Nassau County.