

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

**FILED**

2001 JUL 27 A 9 28

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Secretary of State TITLE NUMBER: 133

CITE AUTHORITY: §48-2-402

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 32

TITLE OF RULE BEING PROPOSED: Registry Requirements

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

NO COMMENTS RECEIVED

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: 27 July 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Secretary of State, 1900 Kanawha Blvd. E., State Capitol,  
Suite 157-K, Charleston, WV, 25305. 304-558-6000

LEGISLATIVE RULE TITLE: Registry Requirements

1. Authorizing statute(s) citation §48-2-402

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
27 June 2001

b. What other notice, including advertising, did you give of the hearing?  
Mailed Copies to all County Clerks, County Commissioners

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
27 July 2001

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

27 July 2001

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- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jan Casto

1-304-558-6000

1-304-558-0900

jcasto@secretary.state.wv.us

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Mary Jo Glendenning

1-304-558-6000

1-304-558-0900 FAX

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Jan Casto

1-304-558-6000

1-304-558-0900

jcasto@secretary.state.wv.us

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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□  
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 153CSR32 Registry REquirements

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Secretary of State

Address: 1900 Kanawha Blvd. East

Bldg. 1, Suite 157-K

Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>			\$3000.00	\$7348.25	\$7348.25
<b>PERSONAL SERVICES</b>			\$2000.00	\$6348.25	\$6348.25
<b>CURRENT EXPENSE</b>			\$1000.00	\$1000.00	\$1000.00
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

2. Explanation of Above Estimates:

Fiscal Year

Expense: \$1000.00 Developing computer program, applications etc.

Personal Services: \$2000.00 Employee for remainder of year.

Next Year and Thereafter

Expense: \$1000.00 Applications, mailings etc. \$6348.25 for 1/4 employee.

3. Objectives of These Rules:

Provide instructions for transmitting list of current persons authorized to perform marriages to Secretary of State. List currently maintained by county clerks.

Rule Title: 153CSR32 Registry Requirements

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4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Staff and material expense of \$7348.25 yearly estimated.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

Initial expense to compile and transmit county list to Secretary of State.

C. Economic Impact on Citizens/Public at Large.

None

Date: 27 June 2001

Signature of Agency Head or Authorized Representative:

Jan Costa

PURPOSE

To outline the process required to provide a central registry of persons authorized to celebrate marriages in West Virginia. The registry is to be compiled and maintained by the Secretary of State.

OBJECTIVE

To provide a central, convenient location where the general public may inquire to learn the name(s) of all persons authorized to celebrate marriages in West Virginia. It will also provide the same convenience to persons desiring to obtain West Virginia authorization recognition as persons celebrating marriages.

TITLE 153  
LEGISLATIVE RULE  
SECRETARY OF STATE

FILED

2001 JUN 27 P 4: 37

SERIES 32  
REGISTRY REQUIREMENTS FOR CELEBRANTS OF MARRIAGES  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§32-1-1. General.**

1.1. Scope. -- This rule requires the secretary of state to authorize certain persons to celebrate marriages, establish a central registry and establish a fee for registering.

1.2. Authority. -- W. Va. Code §48-2-402.

1.3. Filing Date. --

1.4. Effective Date. --

**§32-1-2. Secretary of state's registry of persons authorized to celebrate marriages.**

2.1. The secretary of state shall list qualified applicants in a central registry who meet the requirements of W. Va. Code §48-2-402 and rules promulgated by the secretary of state.

2.2. The authorized person who is listed on the state registry of religious representatives authorized to celebrate the rites of marriage may perform those rites in all the counties of the state.

2.3. Each county clerk shall submit to the secretary of state a list of persons authorized in his or her county to celebrate marriages.

2.3.a. The list shall be submitted prior to the first day of October, two thousand one.

2.3.b. The list shall include the name of each person authorized by the submitting county to perform marriages.

2.3.c. If available, the list shall include the phone number, address, religious or spiritual assembly or affiliation and the original authorization date of each person authorized to perform marriages.

2.3.d. The list shall be submitted in hard copy and in an electronic format as approved by the secretary of state.

**§32-1-3. Registry Requirements.**

3.1. An applicant for listing on the state central registry of persons authorized to celebrate marriages by the secretary of state shall:

3.1.a. Be a religious representative of a church, synagogue, spiritual assembly or religious organization of which he or she is a member.

3.1.b. Make application to the secretary of state for registry listing on the form designed by the secretary of state including any documentation required by the secretary of state;

3.1.c. Pay to the secretary of state the appropriate application fee;

3.1.d. Be eighteen (18) years of age or older;

**§32-1-4. Proof of requirements required of religious representative to celebrate the rites marriages.**

4.1. An applicant shall present certification that he or she is authorized to perform marriages by his or her church, synagogue, spiritual assembly or religious organization; and

4.2. The applicant shall present documentation that he or she is in regular communion with the church, synagogue, spiritual assembly or religious organization of which he or she is a member.

4.2.a. The applicant must provide at least one of the following as a statement of his or her representation of a religious group:

4.2.a.1. An official ordination paper from a church, synagogue, spiritual assembly organization, group or school showing that the person is an ordained minister for that group; or

4.2.a.2. A letter or document signed by at least two members of a group stating that the person requesting to be registered to perform marriages ministers to that group and is in regular communion with that group.

**§32-1-5. Bond in absence of proof of ordination or authorization.**

5.1. An applicant who has not provided proof of ordination or authorization by his or her respective church, synagogue, spiritual assembly or religious organization shall provide the following:

5.1.a. Bond in the penalty of one thousand five hundred dollars (\$1,500.00);

5.1.b. The bond is to be submitted with surety with the application.

5.2. Secretary of state shall forward a copy of the bond to the appropriate county commission.

5.3. The secretary of state shall forward periodic updates of the completed central registry to each county commission.

**§32-1-6. Application fees received by the secretary of state.**

6.1. The application fees is to be set by the secretary of state.

6.2. The fee is not to exceed twenty-five dollars (\$25.00).

6.3. The money from the fees is to be deposited in the state treasury as a special revenue revolving fund designated "Marriage Celebrants Registration Fee Administration Fund."

6.1. The fund is to be administered by the secretary of state.

6.2. The implementation and operation of the central registry program shall be paid from the fund.

**§32-1-7. Marriages performed by persons not listed on the central registry.**

7.1. A marriage performed by a person otherwise authorized by law to perform marriages is not invalidated solely because the person is not listed in the central registry.