

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

Form #4 ■

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Secretary of State's Office TITLE NUMBER: 153

CITE AUTHORITY: WV Code §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 for Celebrants of Marriages

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

FILED

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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. Meet the qualifications set by West Virginia Code §48-2-402;

3.1.b. Make application to the secretary of state for registry listing on the form designed by the

secretary of state;

3.1.c. Provide documentation of qualifications as required by the secretary of state;

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

§32-1-4. Proof of qualifications of religious representative to celebrate 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.

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

4.3.a. 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

4.3.b. 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. Application fees received by the secretary of state.

5.1. The application fee is twenty-five dollars (\$25.00).

§32-1-6. Order authorizing a person to celebrate marriages in all counties.

6.1. Upon receipt of the application and documentation, the Secretary of State shall add the person's name to the state registry of persons authorized to celebrate marriages; and

6.2. An order authorizing the person to celebrate marriages is mailed to each person who fulfills the qualifications as determined by the Secretary of State.

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.

BRIEF SUMMARY

The rule describes the procedure used to compile a statewide list of persons authorized to celebrate marriages in West Virginia. The procedure includes a completed application, supporting documentation and a twenty-five dollar (\$25.00) filing fee from the applicant and an authorization order from the Secretary of State for each applicant who successfully provides the required material.

STATEMENT OF CIRCUMSTANCES

Senate Bill No. 59 of the 2001 Legislature amended the code of West Virginia to provide for a statewide registry of persons authorized to celebrate marriages in lieu of the county based registries previously required. The bill directed that the Secretary of State promulgate rules to facilitate the amended code.