ENROLLED

Committee Substitute for
SENATE BILL NO. 59

(By Senator Bailey)

PASSED April 14, 2001

In Effect 90 days from Passage
AN ACT to amend and reenact section four hundred two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons authorized to celebrate marriages; requiring the secretary of state to authorize certain persons to celebrate marriages; establishing a statewide registry for persons authorized to celebrate marriages; permitting a registration fee; requiring county clerks to transmit names of persons authorized to celebrate marriages to secretary of state; and creating registration fee fund.

Be it enacted by the Legislature of West Virginia:

That section four hundred two, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred
ARTICLE 2. MARRIAGES.

§48-2-402. Qualifications of religious representative for celebrating marriages; registry of persons authorized to perform marriage ceremonies; special revenue fund.

(a) Beginning the first day of September, two thousand one, the secretary of state shall, upon payment of the registration fee established by the secretary of state pursuant to subsection (d) of this section, make an order authorizing a person who is a religious representative to celebrate the rites of marriage in all the counties of the state, upon proof that the person:

1. Is eighteen years of age or older;
2. Is duly authorized to perform marriages by his or her church, synagogue, spiritual assembly or religious organization; and
3. Is in regular communion with the church, synagogue, spiritual assembly or religious organization of which he or she is a member.

(b) The person shall give bond in the penalty of one thousand five hundred dollars, with surety approved by the commission. Any religious representative who gives proof before the county commission of his or her ordination or authorization by his or her respective church, synagogue, spiritual assembly or religious organization is exempt from giving the bond.

(c) The secretary of state shall establish a central registry of persons authorized to celebrate marriages in this state. Every person authorized under the provisions of subsection (a) of this section to celebrate marriages shall be listed in this registry. Every county clerk shall, prior to the first day of October, two thousand one, transmit to the
secretary of state the name of every person authorized to
celebrate marriages by order issued in his or her county
since one thousand nine hundred sixty and the secretary of
state shall include these names in the registry. The
completed registry and periodic updates shall be transmit-
ted to every county clerk.

(d) A fee not to exceed twenty-five dollars may be
charged by the secretary of state for each registration
received on or after the first day of September, two
thousand one, and all money received shall be deposited in
a special revenue revolving fund designated the “Marriage
Celebrants Registration Fee Administration Fund” in the
state treasury to be administered by the secretary of state.
Expenses incurred by the secretary in the implementation
and operation of the registry program shall be paid from
the fund.

(e) No marriage performed by a person authorized by
law to celebrate marriages may be invalidated solely
because the person was not listed in the registry provided
for in this section.

(f) The secretary of state shall promulgate rules to
implement the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...........................................this the............................................

Day of...............................................27th


Governor
PRESENTED TO THE
GOVERNOR
Date 4/27/01
Time 11:25 AM