

SB 550

FILED

2007 MAR 27 PM 5:03

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 550**

(BY SENATOR KESSLER)

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[Passed March 9, 2007; in effect ninety days from passage.]

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**Senate Bill No. 550**

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[Passed March 9, 2007; in effect ninety days from passage.]

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AN ACT amend and reenact §48-2-402 of the Code of West Virginia, 1931, as amended, relating to the maintenance of a registry for registration and renewal of persons authorized to perform marriages; eliminating the bonding requirement; providing for the removal of a registrant to inactive status; and establishing a fee for reactivation of a registrant on inactive status.

*Be it enacted by the Legislature of West Virginia:*

That §48-2-402 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. MARRIAGES.**

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

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

9 (1) Is eighteen years of age or older;

10 (2) Is duly authorized to perform marriages by his or  
11 her church, synagogue, spiritual assembly or religious  
12 organization; and

13 (3) Is in regular communion with the church,  
14 synagogue, spiritual assembly or religious organization  
15 of which he or she is a member.

16 (b) The Secretary of State shall establish a central  
17 registry of persons authorized to celebrate marriages in  
18 this state. Every person authorized under the provisions  
19 of subsection (a) of this section to celebrate marriages  
20 shall be listed in this registry. Every county clerk shall,  
21 prior to the first day of October, two thousand one,  
22 transmit to the Secretary of State the name of every  
23 person authorized to celebrate marriages by order  
24 issued in his or her county since one thousand nine  
25 hundred sixty and the Secretary of State shall include

26 these names in the registry. The completed registry and  
27 periodic updates shall be transmitted to every county  
28 clerk.

29 (c) (1) Upon written request from the registrant, the  
30 Secretary of State shall designate the registrant as  
31 inactive on the registry.

32 (2) Upon written notice from the governing body of  
33 the registrant's authorizing body that the registrant has  
34 died or that the registrant's authority to perform  
35 marriages has been revoked, the Secretary of State shall  
36 attempt to notify the registrant of the change in the  
37 registrant's status by United States mail addressed to  
38 the registrant's last known address. If the registrant  
39 fails to provide the Secretary of State with proof of  
40 good standing with his or her authorizing body within  
41 thirty days, the registrant shall be designated on the  
42 registry as inactive.

43 (d) A fee not to exceed twenty-five dollars may be  
44 charged by the Secretary of State for each registration  
45 or reactivation of an individual designated as inactive  
46 on the registry received on or after the first day of  
47 September, two thousand one, and all money received  
48 shall be deposited in a special revenue revolving fund  
49 designated the Marriage Celebrants Registration Fee  
50 Administration Fund in the State Treasury to be  
51 administered by the Secretary of State. Expenses  
52 incurred by the secretary in the implementation and  
53 operation of the registry program shall be paid from the  
54 fund.

55 (e) No marriage performed by a person authorized by  
56 law to celebrate marriages may be invalidated solely

57 because the person was not listed in the registry  
58 provided for in this section.

59 (f) The Secretary of State shall promulgate rules to  
60 implement the provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within ..... *is approved* ..... this  
the *2<sup>th</sup>* Day of ..... *March* ..... , 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 4:18