

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3358

By Delegate C. Pritt

[Introduced February 10, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §48-2-402 of the Code of West Virginia, 1931, as amended, relating
2 to providing an exemption from marriage and license participation in certain situations.

Be it enacted by the Legislature of West Virginia:

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 September 1, 2001, the Secretary of State shall, upon payment of the
2 registration fee established by the Secretary of State pursuant to subsection (d) of this section,
3 make an order authorizing a person who is a religious representative to celebrate the rites of
4 marriage in all the counties of the state, upon proof that the person:

5 (1) Is 18 years of age or older;

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

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

10 (b) The Secretary of State shall establish a central registry of persons authorized to
11 celebrate marriages in this state. Every person authorized under the provisions of subsection (a)
12 of this section to celebrate marriages shall be listed in this registry. Every county clerk shall, prior to
13 October 1, 2001, transmit to the Secretary of State the name of every person authorized to
14 celebrate marriages by order issued in his or her county since 1960 and the Secretary of State
15 shall include these names in the registry. The completed registry and periodic updates shall be
16 transmitted to every county clerk.

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

19 (2) Upon written notice from the governing body of the registrant's authorizing body that the
20 registrant has died or that the registrant's authority to perform marriages has been revoked, the

21 Secretary of State shall attempt to notify the registrant of the change in the registrant's status by
22 United States mail addressed to the registrant's last known address. If the registrant fails to
23 provide the Secretary of State with proof of good standing with his or her authorizing body within
24 thirty days, the registrant shall be designated on the registry as inactive.

25 (d) A fee not to exceed \$25 may be charged by the Secretary of State for each registration
26 or reactivation of an individual designated as inactive on the registry received on or after
27 September 1, 2001, and all money received shall be deposited in a special revenue revolving fund
28 designated the Marriage Celebrants Registration Fee Administration Fund in the state Treasury to
29 be administered by the Secretary of State. Expenses incurred by the secretary in the
30 implementation and operation of the registry program shall be paid from the fund.

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

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

35 (g) Any person, including those persons authorized as a public official, who presides over a
36 ceremony to celebrate the rites of marriage in all the counties of the state shall be provided with an
37 exemption from state mandated marriage and license participation if such state mandated
38 participation violates his or her conscience or religious beliefs.

NOTE: The purpose of this bill is to provide an exemption from marriage and license participation in certain situations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.