

**COMPLETING AND FILING
THE APPLICATION, LICENSE, AND RECORD OF MARRIAGE**

INSTRUCTIONS FOR OFFICIANTS

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Instructions and forms are also available at
www.oregon.gov/dhs/ph/chs

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INSTRUCTIONS FOR COMPLETING THE APPLICATION, LICENSE, AND RECORD OF MARRIAGE

The license contains 2 important dates, located at the top of the form:

1. A marriage ceremony may not be performed **before** the “License Effective On or **After**” date. [3 days after the date on which the application was signed by the applicants.]
2. A marriage ceremony may not be performed **after** the “License Expires (Month, Day, Year)” date. [60 days after the “License Effective” date]

A marriage performed outside the time frame provided by these two dates will be considered **VOID**. The couple will have to procure another license, and be remarried.

It is your responsibility, as the person performing the marriage ceremony, to complete the information in Items 30 – 33 on the Application, License, and Record of Marriage form. A person solemnizing a marriage shall, within 10 days after the marriage ceremony, complete the original application, license and record of marriage form and deliver the form to the county clerk who issued the marriage license. The person solemnizing the marriage may keep a copy of the application, license, and record of Marriage form.

ITEM 30a. DATE OF MARRIAGE

Enter the full name of the month – January, February, March, etc.
Do not use a number or abbreviation to designate the month.

This is a legal item showing when the marriage actually occurred. It is needed to assure that the license was valid at the time of the ceremony. It is used statistically to count the number of marriages that occur during a specified period of time. It may be used in combination with other items on the certificate for analysis of marriage trends and characteristics.

ITEM 30b. WHERE MARRIED – CITY, TOWN OR LOCATION

Enter the name of the city, town, or location **in Oregon** where the marriage ceremony took place.

ITEM 30c. COUNTY

Enter the name of the county in Oregon where the marriage ceremony took place.

This is a legal item that establishes whether the marriage was performed within an authorized geographical area. It may also be used for statistical analysis of marriage by place of occurrence.

ITEM 31a. SIGNATURE OF PERSON PERFORMING CEREMONY (OFFICIANT)

ITEM 31b. TITLE

Type or print the title (e.g., Reverend or Judge) of the officiant.

The name and title of the officiant are used to determine whether a legally authorized person performed the marriage ceremony.

ITEM 31c. PRINT NAME AND ADDRESS OF OFFICIANT (PERSON PERFORMING CEREMONY)

Type or print the full name, mailing address, and phone number of the person performing the marriage ceremony. This information is used to facilitate querying.

ITEM 31d. NAME AND ADDRESS OF THE AUTHORIZING RELIGIOUS CONGREGATION OR ORGANIZATION OF OFFICIANT

Type or print the full name, address, and phone number of the organization (religious or civil) of the person performing the marriage ceremony. The organization must be in existence at the time the marriage is solemnized. **Internet addresses are not acceptable.** This information is used to facilitate querying.

ITEM 32.-33. WITNESS NAME (PRINT)

The names of the two witnesses to the ceremony should be printed in these spaces. **Witness signatures are not necessary.**

OREGON REVISED STATUTES

Below are the Oregon Revised Statutes, which apply to officiants. These laws concern who may perform a marriage and the filing of the marriage record.

106.120 Who may solemnize marriage; fee; personal payment; records. (1) As used in this section, “judicial officer” means:

(a) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not limited to a judge of a municipal court and a justice of the peace.

(b) An active judge of a federal court.

(c) An active United States magistrate judge.

(2) Marriages may be solemnized by:

(a) A judicial officer;

(b) A county clerk;

(c) Religious congregations or organizations as indicated in ORS 106.150 (2); or

(d) A clergyperson of any religious congregation or organization who is authorized by the congregation or organization to solemnize marriages.

(3) A person authorized to solemnize marriages under subsection (2) of this section may solemnize a marriage anywhere in this state.

(4)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state, the clerk of the court or the county clerk shall collect a fee of \$25 and deposit the fee in the Judicial Department Operating Account established in ORS 1.009.

(b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of \$25, as provided in ORS 205.320.

(c) The fee described in this subsection may be collected only if:

(A) The marriage is solemnized during normal working hours, excluding holidays;

(B) The marriage is solemnized in court facilities or a county clerk’s office; or

(C) More than a minimal amount of staff time or other court or county clerk’s office resources are used in connection with the solemnization.

(d) The Chief Justice of the Supreme Court or the county clerk may establish a written procedure for waiver of the fee required under this subsection in exigent circumstances, including but not limited to indigency of the parties to the marriage.

(5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this state and a county clerk may charge and accept an agreed upon personal payment not to exceed \$100 plus actual costs for the solemnization of a marriage if that solemnization is performed:

(a) At a place other than the courthouse where the judicial officer or county clerk serves; or

(b) Outside of the judicial officer’s or county clerk’s normal working hours.

(6) The charging and accepting of a personal payment by a judicial officer of this state or a county clerk under subsection (5) of this section does not constitute a violation of any of the provisions of ORS chapter 244.

(7) The amount of actual costs charged by a judicial officer of this state or a county clerk under subsection (5) of this section may not exceed:

(a) Actual expenses for food and lodging as verified by receipts.

(b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial officer’s or county clerk’s home or office, whichever is greater, compensated at the rate

of reimbursement then provided by the State of Oregon to its employees or, if travel is made by a commercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

(8) A judicial officer of this state or a county clerk shall maintain records of the amount of personal payments received for performing marriages, of actual costs and the supporting documentation related thereto for a period of four years.

(9) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state shall show to the judge proof of payment of the fee required under subsection (4)(a) of this section before solemnization. Except as provided in subsection (4)(d) of this section, the judge may not solemnize a marriage without proof of payment of the fee. [Amended by 1971 c.621 §22; 1975 c.607 §22; 1977 c.518 §2; 1979 c.724 §3; 1979 c.833 §24; 1981 c.176 §1; 1991 c.282 §1; 1991 c.458 §1; 1997 c.424 §1; 1999 c.776 §1; 2001 c.501 §1; 2003 c.565 §1; 2003 c.737 §111]

106.140 Solemnizing marriage unlawfully or without authority. No person shall undertake to join others in marriage knowing that the person is not lawfully authorized so to do. No person authorized to solemnize marriage shall join persons in marriage contrary to any of the provisions of ORS 106.010 to 106.060 or 106.100 to 106.190.

106.150 Form of solemnization; witnesses; solemnization before congregation. (1) In the solemnization of a marriage no particular form is required except that the parties thereto shall assent or declare in the presence of the clergyperson, county clerk or judicial officer solemnizing the marriage and in the presence of at least two witnesses, that they take each other to be husband and wife.

(2) All marriages, to which there are no legal impediments, solemnized before or in any religious organization or congregation according to the established ritual or form commonly practiced therein, are valid. In such case, the person presiding or officiating in the religious organization or congregation shall make and deliver to the county clerk who issued the marriage license the application, license, and record of marriage in accordance with ORS 106.170. [Amended by 1979 c.724 §5; 2001 c.501 §2] [HB 3120]

106.170 Report of marriage to county clerk. (1) A person solemnizing a marriage shall, within 10 days after the marriage ceremony, complete the original application, license and record of marriage form and deliver the form to the county clerk who issued the marriage license. The person solemnizing the marriage may keep a copy of the application, license, and record of Marriage form. [HB 3120]

432.075 Duty to furnish information to state registrar; immunity. (1) Any person having knowledge of the facts shall furnish all information the person may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage or suicide attempt by a person under 18 years of age, upon demand of the State Registrar of the Center for Health Statistics.

(2) Any person or institution that in good faith provides information required by this chapter or by rules adopted pursuant thereto shall not be subject to any action for civil damages. [1983 c.709 §23; 1997 c.783 §6]

432.405 Filing of marriage record; rules. (1) A record of each marriage performed in this state shall be filed with the Center for Health Statistics and shall be registered if it has been completed and filed in accordance with this section and rules adopted by the State Registrar of the Center

for Health Statistics.

(2) The county clerk or county official who issues the marriage license shall prepare the record in the form prescribed or furnished by the state registrar upon the basis of information obtained from the parties to be married.

(3) Each person who performs a marriage ceremony shall certify the fact of marriage and return the record to the official who issued the license within 10 days after the ceremony.

(4) Every official issuing marriage licenses shall complete and forward to the Center for Health Statistics on or before the 10th day of each calendar month the records of marriages returned to such official during the preceding calendar month.

(5) A marriage record not filed within the time prescribed by this section may be registered in accordance with rules adopted by the state registrar. [Amended by 1983 c.709 §17; 1997 c.783 §35]