

**COMPLETING AND FILING
THE APPLICATION, LICENSE, AND RECORD OF MARRIAGE
INSTRUCTIONS FOR OFFICIANTS**

Center for Health Statistics
Center for Public Health Practice
Public Health Division
Oregon Health Authority

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Instructions and forms are also available at
<http://public.health.oregon.gov/BirthDeathCertificates/>

Effective May 19, 2014



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, which is three (3) days after the date on which the license was issued by the county clerk unless the waiting period is waived.
2. A marriage ceremony may not be performed **after** the “License Expires (Month, Day, Year)” date, which is sixty (60) days after the “License Effective” date.

A marriage performed outside the time frame provided by these two dates will be not be considered **valid**. 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 5 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 should 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.

The date of marriage MUST fall within the “License Effective” and “License Expires” dates.

This is a legal item showing when the marriage actually occurred. The date of the marriage is important for legal rights and responsibilities. It is also used to confirm that the license was valid at the time of the ceremony.

The date of the marriage 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 Oregon. 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.

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 if there is a need to contact the officiant regarding the record.

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 and PO Boxes are not acceptable.**

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. All statutes are from the 2013 version of laws maintained by the Oregon State Legislature.

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 \$100 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 \$100, 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. [2013]

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. [2013]

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 clergy person, 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 deliver to the county clerk who issued the marriage license the application, license and record of marriage in accordance with ORS 106.170. [2013]

106.170 Report of marriage to county clerk. A person solemnizing a marriage shall, within 5 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. [2013]

432.075 Duty to report information to state registrar; immunity. (1) A person having knowledge of the facts shall furnish all information the person may possess regarding a live birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domestic partnership or dissolution of marriage or domestic partnership upon demand of the State Registrar of the Center for Health Statistics.

(2) A person required to report information under this chapter or the rules adopted under this chapter shall provide the information to the state registrar within five calendar days of receiving the information.

(3) Within five calendar days of receipt of autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the medical certifier or medical examiner required to report the death under ORS 432.133 shall submit an affidavit on the cause of death to amend the record.

(4) A person or institution that in good faith provides information required by this chapter or by rules adopted under this chapter shall not be subject to an action for civil damages.

(5) The state registrar may require alternative documentation from the provider of information relating to the occurrence of a vital event for the purpose of quality assurance. [2013]

432.173 Mandatory submission and registration of reports of marriage and reports of domestic partnership; persons required to report. (1) A report of each marriage performed and domestic partnership registered by the state shall be submitted to the Center for Health Statistics. The State Registrar of the Center for Health Statistics shall register a marriage or domestic partnership if the report of marriage or domestic partnership has been completed and submitted in accordance with this section and any rules adopted by the state registrar.

(2) The county clerk or county official who issues the marriage license or registers the Declaration of Domestic Partnership shall prepare the report of marriage or domestic partnership on a form prescribed and furnished by the state registrar, using information obtained from the parties to whom the marriage license or Declaration of Domestic Partnership is being issued.

(3) A person who performs a marriage shall certify the fact of marriage and submit the certification to the county clerk or county official who issued the license within five calendar days of the marriage ceremony.

(4) A county clerk or county official who issues marriage licenses or registers declarations of domestic partnership shall complete and submit the report of marriage or domestic partnership to the Center for Health Statistics within 15 calendar days of receiving the completed marriage license or registering the Declaration of Domestic Partnership. The report of marriage or domestic partnership must include a copy of the marriage license or Declaration of Domestic Partnership. [Formerly 432.405; 2013]