



SPONSOR: Sen. Townsend & Sen. Cloutier & Sen. Pettyjohn &  
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Sen. Sturgeon; Reps. Baumbach, Griffith, D. Short

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 67

AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO MARRIAGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 1 of Title 13 of the Delaware Code by making deletions as shown by strike through  
2 and insertions as shown by underline as follows and by redesignating accordingly:

3           § 106 Individuals authorized to solemnize marriages; requirements to solemnize marriage; penalty.

4           (a) (2) The following individuals over 18 years of age may solemnize a marriage between individuals who may  
5 lawfully enter into the matrimonial relation:

6           a. A clergyperson or minister of any religion who resides in the State of Delaware, provided he or she is  
7 registered with the Clerk of the Peace in the county where he or she resides.

8           b. A clergyperson or minister of any religion who does not reside in the State of Delaware, provided he or  
9 she is registered with the Clerk of the Peace in the county where the marriage ceremony is to be performed.

10           **b-c.** A current or former judge of this State's Supreme Court, Superior Court, Family Court, Court of  
11 Chancery, Court of Common Pleas, or Justice of the Peace Court.

12           ed. A current or former federal judge or magistrate with jurisdiction over this State.

13           de. A current or former Clerk of the Peace of a county of this State, within the county in which the Clerk  
14 holds or held that office.

15           ef. The chief executive officer of an incorporated municipality of this State, within the corporate limits of  
16 that municipality.

17           (b) ~~[Repealed.]~~ The Clerk of the Peace in each county shall maintain an online registry through which  
18 clergypersons or ministers of any religion must register.

19           (1) Upon registering, registrants shall receive a registration card online bearing the registrant's personal  
20 registration number. That registration number must be entered on the Certificate of Marriage of each marriage  
21 ceremony performed by the registrant.

22                   (2) Once registered with a Clerk of the Peace in any county, a registrant's name will be added to a  
23                   Statewide Registry accessible to the public online.

24                   (3) Once registered with a Clerk of the Peace in any county, a registrant will be authorized to solemnize  
25                   marriages statewide.

26                   (c) Any clergyperson or minister who, while not registered in accordance with this Section, solemnizes a marriage  
27                   shall be subject to a non-criminal penalty imposed by the Clerk of the Peace in the county where the marriage was  
28                   performed, which shall include suspension or revocation of authorization to solemnize further marriages in the State of  
29                   Delaware.

30                   Section 2. This Act shall become effective on January 1, 2020.

#### SYNOPSIS

This Act reinstates the requirement that the Clerks of the Peace in each county maintain a registry of clergypersons or ministers who perform marriages in Delaware. Clergypersons or ministers of any religion desiring to perform wedding ceremonies must register with the Clerk of the Peace. Upon registering, he or she will receive an identification number that he or she must enter on the Certificate of Marriage for each wedding ceremony he or she performs. If the clergyperson or minister registers with the Clerk of the Peace in one county, he or she will be added to a statewide registry and will be able to perform weddings statewide. If a clergyperson or minister performs a wedding without being registered, the Clerk of the Peace can suspend or revoke that clergyperson or minister's ability to perform further weddings in Delaware.

Author: Senator Cloutier