

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-30**

Marriage may be solemnized by a justice of the Supreme Court, a judge of the circuit court, a magistrate, a mayor, either within or without the corporate limits of the municipality from which the mayor was elected, or any person authorized by a church to solemnize marriages.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-1**

Consent and solemnization required. Marriage is a personal relation, between a man and a woman, arising out of a civil contract to which the consent of parties capable of making it is necessary. Consent alone does not constitute a marriage; it must be followed by a solemnization.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-2**

The consent to a marriage must be to one commencing instantly, and not an agreement to marry afterwards.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-5**

Consent to and subsequent consummation of marriage may be manifested in any form and may be proved under the same general rules of evidence as facts in other cases.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-6**

Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-7**

Every marriage of a stepfather with a stepdaughter or a stepmother with a stepson is null and void from the beginning.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-8**

Former spouse absent or believed dead. A subsequent marriage contracted by any person during the life of a former husband or wife of such person with any person other than such former husband or wife, is null and void from the beginning, unless the former marriage has been annulled or dissolved, or unless

such former husband or wife was absent and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or was generally reputed and was believed by such person to be dead at the time such subsequent marriage was contracted, in either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-9**

Any unmarried applicant for a marriage license who is eighteen years old or older, and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. If either applicant for a marriage license is between the age of sixteen and eighteen, that applicant shall submit to the register of deeds a notarized statement of consent to marry from one parent or legal guardian of the applicant.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-10**

Previous to any marriage within this state, a license shall be obtained from the county register of deeds of any county, the fee for which is forty dollars. Ten dollars of the marriage license fee shall be retained by the county in which the fee is collected and placed in the county general fund. Thirty dollars of the marriage license fee shall be deposited in the county domestic abuse program fund. The license and record of marriage form shall be prescribed and furnished by the Department of Health. Certified copies of the marriage record shall be furnished by the county register of deeds for a fee established pursuant to § 34-25-52 and such fee shall be retained by the county in which the fee is collected and placed in the county general fund.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-10.1**

To obtain a marriage license, each applicant shall sign the application in person in the presence of the register of deeds or in the presence of a person duly appointed by the register to act in the register's behalf. Each applicant shall provide proof of age prior to issuance of the marriage license. Proof of age may be satisfied by providing a certified copy of a birth certificate or any photographic identification which includes the applicant's name and date of birth. No person may use a power of attorney to obtain a marriage license.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-36**

Persons married in accordance with the creed or custom of any sect or denomination to which they belong which dispenses with the services of any minister or other person authorized to perform marriages by § 25-1-30 are themselves required to make return of such marriage within thirty days thereafter to the county register of deeds. It is a petty offense for a husband and wife to fail to make the return of a certificate of a marriage made under this section.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-10.2**

The application for a marriage license shall contain the following statement: "The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage free from

violence and abuse. Neither of you is the property of the other. Physical abuse, sexual abuse, battery, and assault of a spouse or other family member, as well as other provisions of the criminal laws of this state, are applicable to spouses and other family members and violations thereof are punishable by law." The application shall contain a separate line for the signatures of the applicants verifying that the applicants have read and understand the statement.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-11**

Such license must not in any case be granted where either party is under the age necessary to render the marriage absolutely valid nor where the condition of either party is such as to disqualify him from making any other civil contract nor in any case where the marriage would be void under the provisions of §§ 25-1-6 to 25-1-8, inclusive.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-13**

If either party is a minor, no marriage license shall be granted unless the written consent of the parent or guardian, duly acknowledged by the parent or guardian, or proved to be genuine, is filed in the office of the county register of deeds prior to issuing the license, and a memorandum of the facts shall be entered in the marriage record book with the other records of the marriage license.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-15**

Any register of deeds who grants a marriage license contrary to the provisions of this title is guilty of a Class 1 misdemeanor.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-24**

Marriage licenses issued under the provisions of this chapter shall become void and of no effect unless the marriage be solemnized within twenty days following the issuance thereof.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-28.1**

At the time the application for a marriage license is filed, the register of deeds shall distribute to each applicant educational materials prepared and provided at no cost to the counties by the Department of Health on topics related to sexually transmitted disease, HIV transmission, and prenatal care. The information shall include a list of locations where counseling and testing services are available.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-29**

Marriage must be solemnized, authenticated, and recorded as provided in this chapter provided, however, that noncompliance with its provisions does not invalidate any lawful marriage consented to and subsequently consummated prior to July 1, 1959.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-31**

If any marriage is solemnized without the license required by this title being procured, the parties so married and all persons aiding in such marriage are guilty of a Class 1 misdemeanor.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-32**

Before performing the marriage ceremony, the person solemnizing a marriage shall ascertain by personal knowledge or by requesting a photographic identification: (1) The identity of the parties; (2) Their real and full names and places of residence; and (3) The names and places of residence of the two witnesses.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-32**

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**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-33**

A person who solemnizes any marriage where either of the parties is known to him to be under the age of legal consent and without the consent of his or her parents or guardian or persons having charge of him or her, or where either of the parties is known to him to be of unsound mind, or any marriage to which, within his knowledge, any legal impediment exists, is guilty of a Class 1 misdemeanor.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-35**

After performing the ceremony, the person solemnizing the marriage shall deliver the marriage certificate to the persons married and return, within ten days, the license and record of marriage to the county register of deeds.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-37**

The Department of Health shall maintain marriage licenses issued and records of marriages solemnized in South Dakota. A duly certified copy of the recorded marriage license shall be received as competent evidence of the marriage. The local registrar shall file monthly, or more frequently if required by the department, a record of all marriages occurring in the local registrar's county with the Department of Health by electronic means, if available. If electronic means are not available, the registrar shall file such record of all marriages on a form prescribed by the department.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-38**

Any marriage contracted outside the jurisdiction of this state, except a marriage contracted between two persons of the same gender, which is valid by the laws of the jurisdiction in which such marriage was contracted, is valid in this state.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-39**

If either party to a marriage be incapable from physical causes of entering into the marriage state or if the consent of either be obtained by fraud or force, the marriage is voidable.

**South Dakota Codified Laws - Title 25: Domestic Regulations - Chapter 1: Validity and Performance of Marriages § 25-1-40**

No pardon granted to any person sentenced to imprisonment for life in this state restores such person to the rights of any previous marriage or to the guardianship of any issue of such marriage.