

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 15: Marriage Ceremony § § 1503

(a) General rule.--The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part: (1) A justice, judge or magisterial district judge of this Commonwealth. (2) A former or retired justice, judge or magisterial district judge of this Commonwealth who is serving as a senior judge or senior magisterial district judge as provided or prescribed by law; or not serving as a senior judge or senior magisterial district judge but meets the following criteria: (i) has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling a full term of office; (ii) has not been defeated for reelection or retention; (iii) has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation; (iv) has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies or by the Judicial Conduct Board; (v) has not been removed from office by the Court of Judicial Discipline; and (vi) is a resident of this Commonwealth. (3) An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania. (3.1) An active, retired or senior bankruptcy judge of the United States Bankruptcy Courts for the Eastern, Middle or Western District of Pennsylvania who is a resident of this Commonwealth. (4) An active, retired or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth. (5) A mayor of any city or borough of this Commonwealth. (5.1) A former mayor of a city or borough of this Commonwealth who: (i) has not been defeated for reelection; (ii) has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to a misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or any one of its possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation; (iii) has not resigned the position of mayor to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies; (iv) has served as a mayor, whether continuously or not, by election for an aggregate of a full term in office; and (v) is a resident of this Commonwealth. (6) A minister, priest or rabbi of any regularly established church or congregation. (b) Religious organizations.--Every religious society, religious institution or religious organization in this Commonwealth may join persons together in marriage when at least one of the persons is a member of the society, institution or organization, according to the rules and customs of the society, institution or organization. (c) Marriage license needed to officiate.--No person or religious organization qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a marriage license issued under this part.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11: Preliminary Provisions § 1102

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise: "Department." The Department of Health of the

Commonwealth. "Marriage." A civil contract by which one man and one woman take each other for husband and wife. "Marriage license" or "license." A license to marry issued under this part.

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Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11: Preliminary Provisions § 1101

This part shall be known and may be cited as the Marriage Law.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11:
Preliminary Provisions § 1103**

No common-law marriage contracted after January 1, 2005, shall be valid. Nothing in this part shall be deemed or taken to render any common-law marriage otherwise lawful and contracted on or before January 1, 2005, invalid.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11:
Preliminary Provisions § 1104**

Marriage license applications, consent certificates, marriage licenses and other necessary forms shall be supplied at the expense of the county and shall be uniform throughout this Commonwealth as prescribed by the department. Statements of physicians and laboratories relative to examinations for syphilis shall be prepared and furnished by the department.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11:
Preliminary Provisions § 1105**

(a) General rule.--The fee to be charged for issuing a marriage license or declaration and for returns thereof to the department shall be \$3 of which \$2.50 shall be retained by the county wherein the license is issued and 50¢ shall be remitted to the Commonwealth. (b) Transmitting Commonwealth moneys.--All moneys collected under this section for the Commonwealth shall be transmitted to the State Treasurer no later than the tenth day of the following month. Fees. Section 19 of the Marriage Law from which this section was derived was repealed December 19, 1990, P.L.1240, No.206, and amended December 20, 1990, P.L.1471, No.222, and that section remains effective under 1 Pa.C.S. § 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly) as a result of the 1990 amendment.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 11:
Preliminary Provisions § 1106**

(a) Filing transcript or record.--The county shall furnish the department, not later than the 15th day of each month, with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed during the preceding calendar month. (b) Forms.--The transcripts or records required to be furnished shall be made on forms prepared and furnished by the department and shall contain such information as the department may require. (c) Confidentiality.--The records furnished to the department under this section shall not be open to public inspection except as authorized by the regulations of the Advisory Health Board. (d) Statistics.--The department shall from time to time compile and publish statistics derived from records furnished under this section.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13:
Marriage License § 1301**

(a) General rule.--No person shall be joined in marriage in this Commonwealth until a marriage license has been obtained. (b) Place of marriage ceremony.--A license issued under this part shall authorize a marriage ceremony to be performed in any county of this Commonwealth. (c) Identity of applicants.--Prior to issuance of the license, the person issuing the license must be satisfied as to the identity of both of the applicants.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 15: Marriage Ceremony § 1501

The marriage license shall have appended to it two certificates, numbered to correspond with the license (one marked original and one marked duplicate), which shall be in substantially the following form: I hereby certify that on (date), at (city, borough or town), Pennsylvania, (name) and (name) were by me united in marriage, in accordance with license issued by the Court of Common Pleas of (name) numbered Signed..... (Title of person solemnizing marriage)
Address..... Cross References. Section 1501 is referred to in section 1502 of this title.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1302

(a) General rule.--No marriage license shall be issued except upon written and verified application made by both of the parties intending to marry. (b) Contents.--The application shall contain the following: (1) The full name of the applicants. (2) The occupation, birthplace, residence and age of the applicants. An applicant intending to marry who is a program participant in the Address Confidentiality Program under Chapter 67 (relating to domestic and sexual violence victim address confidentiality) may use the substitute address designated by the Office of Victim Advocate pursuant to Chapter 67 as the address of their residence.(3) Whether the marriage contemplated is the first, second or other marriage of an applicant. (4) A statement that neither of the applicants is afflicted with transmissible disease. (5) The full name, residence, occupation and birthplace of the parents of each applicant, including the maiden name of the mother of each applicant. An applicant may use the substitute address designated by the Office of Victim Advocate pursuant to Chapter 67 for a parent's residence if: (i) the applicant is a program participant in the Address Confidentiality Program under Chapter 67 and the applicant resides with the applicant's parents; or (ii) the applicant's parent is a program participant in the Address Confidentiality Program under Chapter 67. (6) Any other facts necessary to determine whether a legal impediment to the proposed marriage exists.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1303

(a) General rule.--No marriage license shall be issued prior to the third day following the making of application therefor. (b) Exceptions.--The court may authorize a license to be issued at any time after the making of the application in the following cases: (1) In case of emergency or extraordinary circumstances. (2) If an applicant is a member of the Pennsylvania National Guard or other reserve component of the armed forces of the United States and is called or ordered to active duty with the armed forces of the United States.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1304

(a) Examinations and tests for syphilis.--(Repealed). (b) Minors.-- (1) No marriage license may be issued if either of the applicants for a license is under 16 years of age unless the court decides that it is to the best interest of the applicant and authorizes the issuance of the license. (2) No marriage license may be issued if either of the applicants is under 18 years of age unless the consent of the custodial parent or guardian of the applicant is personally given before the person issuing the license or is certified under

the hand of the custodial parent or guardian attested by two adult witnesses and, in the latter case, the signature of the custodial parent or guardian is acknowledged before an officer authorized by law to take acknowledgments. When the minor has no guardian and a judge of the court is absent or not accessible for any reason, the office issuing the license may appoint a guardian pro hac vice for the minor. (c) Incompetent persons.--No marriage license may be issued if either of the applicants for a license is weak minded, insane, of unsound mind or is under guardianship as a person of unsound mind unless the court decides that it is for the best interest of the applicant and the general public to issue the license and authorizes the issuance of the license. (d) Persons under influence of alcohol or drugs.--No marriage license may be issued if, at the time of making application, either of the applicants is under the influence of alcohol or drugs.(e) Marriage to relatives.--No marriage license may be issued to applicants within the prohibited degrees of consanguinity which are as follows: A man may not marry his mother. A man may not marry the sister of his father. A man may not marry the sister of his mother. A man may not marry his sister. A man may not marry his daughter. A man may not marry the daughter of his son or daughter. A man may not marry his first cousin. A woman may not marry her father. A woman may not marry the brother of her father. A woman may not marry the brother of her mother. A woman may not marry her brother. A woman may not marry her son. A woman may not marry the son of her son or daughter. A woman may not marry her first cousin

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1306

(a) General rule.--Each of the applicants for a marriage license shall appear in person and shall be examined under oath or affirmation as to: (1) The legality of the contemplated marriage. (2) Any prior marriage or marriages and its or their dissolution. (3) The restrictions set forth in section 1304 (relating to restrictions on issuance of license). (4) All the information required to be furnished on the application for license as prepared and approved by the department. (b) Exception.--If an applicant is unable to appear in person because of his active military service, the applicant shall be permitted to forward an affidavit, which verifies all of the information required under subsection (a), to the issuing authority. (c) Form.--The department shall develop and make available affidavit forms to be used by applicants under subsection (b). (d) Definition.--As used in this section, the term "active military service" means active service in any of the armed services or forces of the United States or this Commonwealth.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1307

The marriage license shall be issued if it appears from properly completed applications on behalf of each of the parties to the proposed marriage that there is no legal objection to the marriage. Except as provided by section 1303(b) (relating to waiting period after application), the license shall not be issued prior to the third day following the date of the most recent of the two applications therefor.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1308

(a) Certifying proceedings to court.--If the issuance of a marriage license is refused, upon request of the applicants, the proceedings shall immediately be certified to the court without formality or expense to the applicants. (b) Prompt hearing.--The application for a marriage license shall be heard by a judge of the court, without a jury, in court or in chambers at the earliest possible time.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1309

The applications for marriage licenses and consent certificates shall be immediately filed and docketed as public records.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 13: Marriage License § 1310

The marriage license shall not be valid for a longer period than 60 days from the date of issue and shall be in substantially the following form: Commonwealth of Pennsylvania ss: No..... County of (name) To any person authorized by law to solemnize marriage: You are hereby authorized to join together in holy state of matrimony, according to the laws of the Commonwealth of Pennsylvania, (name) and (name). Given under my hand and seal of the Court of Common Pleas of (name), at (city, borough or town), on (date). Signed (Official Title)

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 15: Marriage Ceremony § 1502

(a) Declaration of authorization.--In all cases in which the parties intend to solemnize their marriage by religious ceremony without officiating clergy, the marriage shall not take place until their right so to do is certified in a declaration in substantially the following form: Commonwealth of Pennsylvania ss: No.County of (name) To (name) and (name) Legal evidence having been furnished to me, in accordance with law, this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage. Signed..... (Official Title) (b) Marriage certificates.--In lieu of the certificate set forth in section 1501 (relating to form of marriage certificates), there shall be appended to the declaration two certificates, numbered to correspond to the declaration, in the following form: We hereby certify that on (date), we united ourselves in marriage, at (city, borough or town), County of (name), Pennsylvania, having first obtained from the Court of Common Pleas of (name) a declaration numbered that the court was satisfied that there was no existing legal impediment to our so doing. Signed..... Signed..... We, the undersigned, were present at the solemnization of the marriage of (name) and (name), as set forth in the foregoing certificate. Signed..... Signed.....

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 15: Marriage Ceremony § 1504

(a) General rule.--The original marriage certificate shall be signed by the person solemnizing the marriage and given to the parties contracting the marriage. The duplicate certificate shall be signed by the person or by a member of the religious society, institution or organization solemnizing the marriage and returned for recording within ten days to the court which issued the license. (b) Marriage performed by parties.--If the marriage was solemnized by the parties themselves, the original certificate shall be signed by the parties to the marriage, attested by two witnesses and retained by the parties contracting the marriage. The duplicate certificate shall be signed by the parties to the marriage, attested by the same two witnesses and returned for recording within ten days to the court issuing the license.

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 17: Miscellaneous Provisions Relating to Marriage § 1701

(a) Finding of death.--When the spouse of an applicant for a marriage license has disappeared or is absent from the place of residence of the spouse without being heard of after diligent inquiry, the court, aided by the report of a master if necessary, upon petition of the applicant for a marriage license, may make a finding and decree that the absentee is dead and the date of death if notice to the absentee has been given as provided in subsection (d) and either of the applicants is and for one year or more prior to the application has been a resident of this Commonwealth. (b) Presumption from absence.--When the death of the spouse of an applicant for a marriage license is in issue, the unexplained absence from the last known place of residence and the fact that the absentee has been unheard of for seven years may be sufficient ground for finding that the absentee died seven years after the absentee was last heard from. (c) Exposure to specific peril.--The fact that an absentee spouse was exposed to a specific peril of death may be a sufficient ground for finding that the absentee died less than seven years after the absentee was last heard from. (d) Notice to absentee.--The court may require advertisement in any newspapers as the court, according to the circumstances of the case, deems advisable of the fact of the application for the marriage license, together with notice that, at a specified time and place, the court or a master appointed by the court will hear evidence concerning the alleged absence, including the circumstances and duration thereof. (e) Remarriage after decree of presumed death.--Even though the absentee spouse declared to be presumed dead is in fact alive, the remarriage of the spouse who has obtained a license to marry and a decree of presumed death of the former spouse shall be valid for all purposes as though the former marriage had been terminated by divorce, and all property of the presumed decedent shall be administered and disposed of as provided by Title 20 (relating to decedents, estates and fiduciaries).

Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 17: Miscellaneous Provisions Relating to Marriage § 1702

(a) General rule.--If a married person, during the lifetime of the other person with whom the marriage is in force, enters into a subsequent marriage pursuant to the requirements of this part and the parties to the marriage live together thereafter as husband and wife, and the subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former spouse was dead or that the former marriage has been annulled or terminated by a divorce, or without knowledge of the former marriage, they shall, after the impediment to their marriage has been removed by the death of the other party to the former marriage or by annulment or divorce, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and immediately after the date of death or the date of the decree of annulment or divorce. (b) False rumor of death of spouse.--Where a remarriage has occurred upon false rumor of the death of a former spouse in appearance well-founded but there has been no decree of presumed death, the remarriage shall be void and subject to annulment by either party to the remarriage as provided by section 3304 (relating to grounds for annulment of void marriages), and the returning spouse shall have cause for divorce as provided in section 3301 (relating to grounds for divorce). (c) Criminal penalties.--Where the remarriage was entered into in good faith, neither party to the remarriage shall be subject to criminal prosecution for bigamy.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 17:
Miscellaneous Provisions Relating to Marriage § 1703**

All marriages within the prohibited degrees of consanguinity as set forth in this part are voidable, but, when any of these marriages have not been dissolved during the lifetime of the parties, the unlawfulness of the marriage shall not be inquired into after the death of either of the parties to the marriage.

**Pennsylvania Consolidated Statutes - Title 23: Domestic Relations - Part 2: Marriage - Chapter 17:
Miscellaneous Provisions Relating to Marriage § 1704**

It is hereby declared to be the strong and longstanding public policy of this Commonwealth that marriage shall be between one man and one woman. A marriage between persons of the same sex which was entered into in another state or foreign jurisdiction, even if valid where entered into, shall be void in this Commonwealth.