

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.050

The following named officers and persons, active or retired, are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, supreme court commissioners, court of appeals commissioners, superior court commissioners, any regularly licensed or ordained minister or any priest of any church or religious denomination, and judges of courts of limited jurisdiction as defined in RCW 3.02.010.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.010 (1)

Marriage is a civil contract between a male and a female who have each attained the age of eighteen years, and who are otherwise capable. (2) Every marriage entered into in which either the husband or the wife has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.020

(1) Marriages in the following cases are prohibited: (a) When either party thereto has a wife or husband living at the time of such marriage; (b) When the husband and wife are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; or (c) When the parties are persons other than a male and a female. (2) It is unlawful for any man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter or sister's daughter; it is unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son. (3) A marriage between two persons that is recognized as valid in another jurisdiction is valid in this state only if the marriage is not prohibited or made unlawful under subsection (1)(a), (1)(c), or (2) of this section.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.050

The following named officers and persons, active or retired, are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, supreme court commissioners, court of appeals commissioners, superior court commissioners, any regularly licensed or ordained minister or any priest of any church or religious denomination, and judges of courts of limited jurisdiction as defined in RCW 3.02.010.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.060

A marriage solemnized before any person professing to be a minister or a priest of any religious denomination in this state or professing to be an authorized officer thereof, is not void, nor shall the validity thereof be in any way affected on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.070

In the solemnization of marriage no particular form is required, except that the parties thereto shall assent or declare in the presence of the minister, priest, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be husband and wife.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.080

The person solemnizing a marriage shall give to each of the parties thereto, if required, a certificate thereof, specifying therein the names and residence of the parties, and of at least two witnesses present, the time and place of such marriage.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.090

A person solemnizing a marriage shall, within thirty days thereafter, make and deliver to the county auditor of the county wherein the license was issued a certificate for the files of the county auditor, and a certificate for the files of the state registrar of vital statistics. The certificate for the files of the county auditor shall be substantially as follows: STATE OF WASHINGTON | | > | | COUNTY OF This is to certify that the undersigned, a, by authority of a license bearing date the day of A.D., 19. . . , and issued by the County auditor of the county of, did, on the day of A.D., 19. . . , at in this county and state, join in lawful wedlock A.B. of the county of, state of and C.D. of the county of, state of, with their mutual assent, in the presence of F H and E G, witnesses. In Testimony Whereof, witness the signatures of the parties to said ceremony, the witnesses and myself, this day of, A.D., 19. . . The certificate for the files of the state registrar of vital statistics shall be in accordance with *RCW 70.58.200. The certificate forms for the files of the county auditor and for the files of the state registrar of vital statistics shall be provided by the state registrar of vital statistics.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.100

The county auditor shall file said certificates and record them or bind them into numbered volumes, and note on the original index to the license issued the volume and page wherein such certificate is recorded or bound. He shall enter the date of filing and his name on the certificates for the files of the state registrar of vital statistics, and transmit, by the tenth day of each month, all such certificates filed with him during the preceding month.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.105

The county auditor may preserve copies of marriage license applications submitted and marriage licenses issued under this chapter in the same manner as authorized for the recording of instruments under RCW 65.04.040.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.110

Any person solemnizing a marriage, who shall wilfully refuse or neglect to make and deliver to the county auditor for record, the certificates mentioned in RCW 26.04.090, within the time in such section specified, shall be deemed guilty of a misdemeanor, and upon conviction shall pay for such refusal, or neglect, a fine of not less than twenty-five nor more than three hundred dollars.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.120

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, and a certificate containing the particulars specified in RCW 26.04.080 and 26.04.090, shall be made and filed for record by the person or persons presiding or officiating in or recording the

proceedings of such religious organization or congregation, in the manner and with like effect as in ordinary cases.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.130

When either party to a marriage shall be incapable of consenting thereto, for want of legal age or a sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage is voidable, but only at the suit of the party laboring under the disability, or upon whom the force or fraud is imposed.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.140

Before any persons can be joined in marriage, they shall procure a license from a county auditor, as provided in RCW 26.04.150 through 26.04.190.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.150

Any person may secure by mail from the county auditor of the county in the state of Washington where he intends to be married, an application, and execute and acknowledge said application before a notary public.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.160

(1) Application for a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, social security number, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary. (2) The county legislative authority may impose an additional fee up to fifteen dollars on a marriage license for the purpose of funding family services such as family support centers.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.165

In addition to the application provided for in RCW 26.04.160, the county auditor for the county wherein the license is issued shall submit to each applicant at the time for application for a license the Washington state department of health marriage certificate form prescribed by *RCW 70.58.200 to be completed by the applicants and returned to the county auditor for the files of the state registrar of vital statistics. After the execution of the application for, and the issuance of a license, no county shall require the persons authorized to solemnize marriages to obtain any further information from the persons to be married except the names and county of residence of the persons to be married.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.170

Any such application shall be open to public inspection as a part of the records of the office of such county auditor.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.175

If a program participant under chapter 40.24 RCW notifies the appropriate county auditor as required under rules adopted by the secretary of state, the county auditor shall not make available for inspection

or copying the name and address of a program participant contained in marriage applications and records filed under chapter 26.04 RCW, except under the following circumstances: (1) If requested by a law enforcement agency, to the law enforcement agency; and (2) If directed by a court order, to a person identified in the order.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.180

The county auditor may issue the marriage license at the time of application, but shall issue such license no later than the third full day following the date of the application. A marriage license issued pursuant to the provisions of this chapter may not be used until three days after the date of application and shall become void if the marriage is not solemnized within sixty days of the date of the issuance of the license, and the county auditor shall notify the applicant in writing of this requirement at the time of issuance of the license.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.190

Any county auditor is hereby authorized to refuse to issue a license to marry if, in his discretion, the applications executed by the parties or information coming to his knowledge as a result of the execution of said applications, justifies said refusal: PROVIDED, HOWEVER, The denied parties may appeal to the superior court of said county for an order to show cause, directed to said county auditor to appear before said court to show why said court should not grant an order to issue a license to said denied parties and, after due hearing, or if the auditor fails to appear, said court may in its discretion, issue an order to said auditor directing him to issue said license; any hearings held by a superior court under RCW 26.04.140 through 26.04.200 may, in the discretion of said court, be held in chambers.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.200

Any person intentionally violating any provision of RCW 26.04.140 through 26.04.190 shall be guilty of a misdemeanor.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.210

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that if an applicant is afflicted with any contagious sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over. If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. (2) Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section is guilty of perjury under chapter 9A.72 RCW. (3) The affidavit form shall be designed to require a statement that no contagious sexually transmitted disease is present or that the condition is known to both applicants, without requiring the applicants to state whether or not either or both of them are afflicted by such disease. (4) Any person knowingly violating this section is guilty of a class C felony and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in a state correctional facility for a period of not more than three years, or by both such fine and imprisonment.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.220

The person solemnizing the marriage is authorized to retain in his possession the license, but the county auditor who issues the same, before delivering it, shall enter in his marriage record a memorandum of the names of the parties, the consent of the parents or guardian, if any, and the name of the affiant and the substance of the affidavit upon which said license issued, and the date of such license.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.240

Any person who shall undertake to join others in marriage knowing that he is not lawfully authorized so to do, or any person authorized to solemnize marriage, who shall join persons in marriage contrary to the provisions of *this chapter, shall, upon conviction thereof, be punished by a fine of not more than five hundred, nor less than one hundred dollars.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 4: Marriage § RCW 26.04.250

Every person who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent or a marriage to which, within his knowledge, any legal impediment exists, shall be guilty of a gross misdemeanor.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.010

Many Washingtonians are in intimate, committed, and exclusive relationships with another person to whom they are not legally married. These relationships are important to the individuals involved and their families; they also benefit the public by providing a private source of mutual support for the financial, physical, and emotional health of those individuals and their families. The public has an interest in providing a legal framework for such mutually supportive relationships, whether the partners are of the same or different sexes, and irrespective of their sexual orientation. The legislature finds that same sex couples, because they cannot marry in this state, do not automatically have the same access that married couples have to certain rights and benefits, such as those associated with hospital visitation, health care decision-making, organ donation decisions, and other issues related to illness, incapacity, and death. Although many of these rights and benefits may be secured by private agreement, doing so often is costly and complex. The legislature also finds that the public interest would be served by extending rights and benefits to different sex couples in which either or both of the partners is at least sixty-two years of age. While these couples are entitled to marry under the state's marriage statutes, some social security and pension laws nevertheless make it impractical for these couples to marry. For this reason, chapter 156, Laws of 2007 specifically allows couples to enter into a state registered domestic partnership if one of the persons is at least sixty-two years of age, the age at which many people choose to retire and are eligible to begin collecting social security and pension benefits. The rights granted to state registered domestic partners in chapter 156, Laws of 2007 will further Washington's interest in promoting family relationships and protecting family members during life crises. Chapter 156, Laws of 2007 does not affect marriage or any other ways in which legal rights and responsibilities between two adults may be created, recognized, or given effect in Washington.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.015

It is the intent of the legislature that for all purposes under state law, state registered domestic partners shall be treated the same as married spouses. Any privilege, immunity, right, benefit, or responsibility granted or imposed by statute, administrative or court rule, policy, common law or any other law to an individual because the individual is or was a spouse, or because the individual is or was an in-law in a specified way to another individual, is granted on equivalent terms, substantive and procedural, to an individual because the individual is or was in a state registered domestic partnership or because the individual is or was, based on a state registered domestic partnership, related in a specified way to another individual. The provisions of chapter 521, Laws of 2009 shall be liberally construed to achieve equal treatment, to the extent not in conflict with federal law, of state registered domestic partners and married spouses.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.020

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "State registered domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership by the secretary. (2) "Secretary" means the secretary of state's office. (3) "Share a common residence" means inhabit the same residence. Two persons shall be considered to share a common residence even if: (a) Only one of the domestic partners has legal ownership of the common residence; (b) One or both domestic partners have additional residences not shared with the other domestic partner; or (c) One domestic partner leaves the common residence with the intent to return.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.025

Whenever the term "domestic partnership" is used in the Revised Code of Washington it shall be defined to mean "state registered domestic partnership" and whenever the term "domestic partner" is used in the Revised Code of Washington it shall be defined to mean "state registered domestic partner."

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.030

To enter into a state registered domestic partnership the two persons involved must meet the following requirements: (1) Both persons share a common residence; (2) Both persons are at least eighteen years of age; (3) Neither person is married to someone other than the party to the domestic partnership and neither person is in a state registered domestic partnership with another person; (4) Both persons are capable of consenting to the domestic partnership; (5) Both of the following are true: (a) The persons are not nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; and (b) Neither person is a sibling, child, grandchild, aunt, uncle, niece, or nephew to the other person; and (6) Either (a) both persons are members of the same sex; or (b) at least one of the persons is sixty-two years of age or older.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.040

(1) Two persons desiring to become state registered domestic partners who meet the requirements of RCW 26.60.030 may register their domestic partnership by filing a declaration of state registered domestic partnership with the secretary and paying the filing fee established pursuant to subsection (4) of this section. The declaration must be signed by both parties and notarized. (2) Upon receipt of a signed, notarized declaration and the filing fee, the secretary shall register the declaration and provide a certificate of state registered domestic partnership to each party named on the declaration. (3) The secretary shall permanently maintain a record of each declaration of state registered domestic partnership filed with the secretary. The secretary has the authority to update the records to reflect changes in the status of a state registered domestic partnership, such as a change of address, name, dissolution, or death. The secretary shall provide the state registrar of vital statistics with records of declarations of state registered domestic partnerships. (4) The secretary shall set by rule and collect a reasonable fee for filing the declaration, calculated to cover the secretary's costs, but not to exceed fifty dollars. Fees collected under this section are expressly designated for deposit in the secretary of state's revolving fund established under RCW 43.07.130.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.060

(1)(a) A domestic partnership created by a subdivision of the state is not a state registered domestic partnership for the purposes of a state registered domestic partnership under this chapter. Those persons desiring to become state registered domestic partners under this chapter must register pursuant to RCW 26.60.040. (b) A subdivision of the state that provides benefits to the domestic partners of its employees and chooses to use the definition of state registered domestic partner as set forth in RCW 26.60.020 must allow the certificate issued by the secretary of state to satisfy any registration requirements of the subdivision. A subdivision that uses the definition of state registered domestic partner as set forth in RCW 26.60.020 shall notify the secretary of state. The secretary of state shall compile and maintain a list of all subdivisions that have filed such notice. The secretary of state shall post this list on the secretary's web page and provide a copy of the list to each person that receives a certificate of state registered domestic partnership under RCW 26.60.040(2). (c) Nothing in this section shall affect domestic partnerships created by any public entity. (2) Nothing in chapter 156, Laws of 2007 affects any remedy available in common law.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 26.60.090

A legal union of two persons of the same sex, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership under this chapter, shall be recognized as a valid domestic partnership in this state and shall be treated the same as a domestic partnership registered in this state regardless of whether it bears the name domestic partnership.

Revised Code of Washington - Title 26: Domestic Relations - Chapter 60: State registered domestic partnerships § RCW 36.18.010

County auditors or recording officers shall collect the following fees for their official services: (1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring

separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction; (2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar; (3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar; (4) For administering an oath or taking an affidavit, with or without seal, two dollars; (5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW; (6) For searching records per hour, eight dollars; (7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat; (8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar; (9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170; (10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees; (11) For recording instruments, a two-dollar surcharge to be deposited into the Washington state heritage center account created in RCW 43.07.129; (12) For recording instruments, a surcharge as provided in RCW 36.22.178; and (13) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179.