

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 4: Marriage Ceremony § 48-2-401**

A religious representative who has complied with the provisions of section 2-402, a family court judge, a circuit judge or a justice of the supreme court of appeals, is authorized to celebrate the rites of marriage in any county of this state. Celebration or solemnization of a marriage means the performance of the formal act or ceremony by which a man and woman contract marriage and assume the status of husband and wife. For purposes of this chapter, the term "religious representative" means a minister, priest or rabbi and includes, without being limited to, a leader or representative of a generally recognized spiritual assembly, church or religious organization which does not formally designate or recognize persons as ministers, priests or rabbis.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-101**

Every marriage in this state must be solemnized under a marriage license issued by a clerk of the county commission in accordance with the provisions of this article. If a ceremony of marriage is performed without a license, the attempted marriage is void, and the parties do not attain the legal status of husband and wife.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-102**

(a) If one or both of the applicants are residents of this state, they may apply for a marriage license to be issued by the clerk of the county commission of the county in which a resident applicant usually resides. If both parties are nonresidents of this state, they may apply for a license to be issued by the clerk of the county commission in any county in this state. (b) Applications for licenses may be received and licenses may be issued by the clerk of the county commission when the office of the clerk is officially open for the conduct of business.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-103**

(a) Except as otherwise provided in subsection(b) of this section, if either or both of the applicants for a marriage license is under eighteen years of age, the clerk of the county commission may not issue a marriage license until two full days elapse after the day the license application is filed. (b) In case of an emergency or extraordinary circumstances, as shown by affidavit or other proof, a circuit judge of the county in which an application for a marriage license will be filed may order the clerk of the county commission to issue a license at any time before the expiration of the waiting period prescribed in subsection (a) of this section. The clerk of the county commission shall attach a certified copy of the judge's order to the application and issue the marriage license in accordance with the order. If the judge or judges of the county in which the application will be filed are absent or incapacitated, the order may be made and directed to the clerk of the county commission of the county by a circuit judge in any adjoining judicial circuit, or a special judge appointed by the supreme court of appeals.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-104**

(a) The application for a marriage license must contain a statement of the full names of both female and male parties, their social security account numbers, dates of birth, places of birth and residence addresses. (b) If either of the parties is a legal alien in the United States of America and has no social security account number, a tourist or visitor visa number or number equivalent to a United States social security account number must be provided. (c) Every application for a marriage license must contain the following statement: "Marriage is designed to be a loving and lifelong union between a woman and a man. The laws of this state affirm your right to enter into this marriage and 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, and other provisions of the criminal laws of this state are applicable to spouses and other family members, and these violations are punishable by law."

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-105**

Both female and male parties to a contemplated marriage are required to sign the application for a marriage license, under oath. The application must be signed before the clerk of the county commission or another person authorized to administer oaths under the laws of this state.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 3: Capacity to Marry § 48-2-303**

For the purpose of section 2-302, cousin or double cousin does not include persons whose relationship is created solely by adoption. If it necessary to open and examine the record of any adoption proceeding in the state to ascertain that a relationship of cousin or double cousin is created solely by adoption, then an application may be made to the circuit court that held the adoption proceeding, by the clerk of the county commission seeking to issue the marriage license, or either party applying for the license, to open the record and cause it to be examined. Upon such application, the judge shall examine the record confidentially and report to the clerk whether the record discloses any consanguinity prohibited by this section and may grant such other relief prayed for which may be proper under article 22 of this chapter.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-106**

(a) At the time of the execution of the application, the clerk or the person administering the oath to the applicants shall require evidence of the age of each of the applicants. Evidence of age may be as follows: (1) A certified copy of a birth certificate or a duplicate certificate produced by any means that accurately reproduces the original; (2) A voter's registration certificate; (3) An operator's or chauffeur's license; (4) The affidavit of both parents or the legal guardian of the applicant; or (5) Other good and sufficient evidence. (b) If an affidavit is relied upon as evidence of the age of an applicant, and if one parent is dead, the affidavit of the surviving parent or of the guardian of the applicant is sufficient. If both parents are dead, the affidavit of the guardian of the applicant is sufficient. If the parents of the applicant live separate and apart, the affidavit of the parent having custody of the applicant is sufficient.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 1: Application for Marriage License § 48-2-107**

The clerk of the county commission shall record the application for a marriage license in the register of marriages provided for in section 2-203. The clerk shall note the date of the filing of the application in the register. The clerk's notation, or a certified copy thereof, is legal evidence of the facts contained in the license.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 2: Marriage License § 48-2-201**

The marriage license shall be in form substantially as follows: Marriage License. State of West Virginia, County of \_\_\_\_\_, to wit: To any person authorized to celebrate marriages: You are hereby authorized to join together in matrimony \_\_\_\_\_ and \_\_\_\_\_ Given under my hand, as clerk of the county commission of the county of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.  
\_\_\_\_\_  
Clerk as aforesaid.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 2: Marriage License § 48-2-202**

(a) The person solemnizing a marriage shall retain the marriage license and place an endorsement on it establishing the fact of the marriage and the time and place it was celebrated. (b) Before the sixth day of the month after the month in which the marriage was celebrated, the person who solemnized the marriage shall forward the original of the marriage license to the clerk who issued the license. (c) In the event that the marriage authorized by the license is not solemnized within sixty days from the date of its issuance, then the license is null and void. If the county clerk has not received the original license within sixty days after the expiration date on the license, the clerk shall notify each of the applicants of that fact, by certified mail, return receipt requested.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 2: Marriage License § 48-2-203**

(a) The clerk of the county commission is required to maintain a suitable book to be used as a register of marriages. The clerk shall keep a complete record of the following information: (1) Factual information that relates to the eligibility of a person to obtain a marriage license: Provided, That if the license is issued because the female is pregnant, the pregnancy will not be noted by the clerk in the register of marriages; (2) Each marriage license issued by the clerk; and (3) An endorsement by a minister, priest, rabbi, or judge certifying that the marriage was solemnized. (b) The clerk shall index the register of marriages in the names of both parties to the marriage.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 2: Marriage License § 48-2-204**

If at the time of celebrating any marriage out of this state, either or both of the parties thereto is a resident of this state, a certificate or statement of that fact, verified by the affidavit of any person present at such celebration, or a transcript of the marriage record, certified by the custodian of such records, from the state where the marriage was celebrated, may be returned to the clerk of the county commission of the county in which the husband resides, if he is a resident, or otherwise to the clerk of the county in which the wife resides, and an abstract thereof shall be recorded by the clerk in the register of marriages and indexed in the name of both parties.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 3: Capacity to Marry § 48-2-301**

(a) The age of consent for marriage for both the male and the female is eighteen years of age. A person under the age of eighteen lacks the capacity to contract a marriage without the consent required by this section. (b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of eighteen but sixteen years of age or older if the clerk obtains a valid written consent from the applicant's parents or legal guardian. (c) Upon order of a circuit judge, the clerk of the county commission may issue a marriage license to an applicant who is under the age of sixteen, if the clerk obtains a valid written consent from the applicant's parents or legal guardian. A circuit judge of the county in which the application for a marriage license is filed may order the clerk of the county commission to issue a license to an applicant under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant and if consent is given by the parents or guardian. (d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required. (e) If a person under the age of consent is married in violation of this section, the marriage is not void for this reason, and such marriage is valid until it is actually annulled. (f) A marriage by an underage person without a valid consent as required by this section, though voidable at the time it is entered into, may be ratified and become completely valid and binding when the underage party reaches the age of consent. Validation of a marriage by ratification is established by some unequivocal and voluntary act, statement, or course of conduct after reaching the age of consent. Ratification includes, but is not limited to, continued cohabitation as husband and wife after the age of consent is attained.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 3: Capacity to Marry § 48-2-302**

(a) A man is prohibited from marrying his mother, grandmother, sister, daughter, granddaughter, half sister, aunt, brother's daughter, sister's daughter, first cousin or double cousin. A woman is prohibited from marrying her father, grandfather, brother, son, grandson, half brother, uncle, brother's son, sister's son, first cousin or double cousin. (b) The prohibitions described in subsection (a) of this section are applicable to consanguineous relationships where persons are blood related by virtue of having a common ancestor. (c) The prohibitions described in subsection (a) of this section are applicable to persons related by affinity, where the relationship is founded on a marriage, and the prohibition continues in force even though the marriage is terminated by death or divorce, unless the divorce was ordered for a cause which made the marriage, originally, unlawful or void.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 4: Marriage Ceremony § 48-2-402**

(a) Beginning the first day of September, two thousand one, the Secretary of State shall, upon payment of the registration fee established by the Secretary of State pursuant to subsection (d) of this section, make an order authorizing a person who is a religious representative to celebrate the rites of marriage

in all the counties of the state, upon proof that the person: (1) Is eighteen years of age or older; (2) Is duly authorized to perform marriages by his or her church, synagogue, spiritual assembly or religious organization; and (3) Is in regular communion with the church, synagogue, spiritual assembly or religious organization of which he or she is a member. (b) The Secretary of State shall establish a central registry of persons authorized to celebrate marriages in this state. Every person authorized under the provisions of subsection (a) of this section to celebrate marriages shall be listed in this registry. Every county clerk shall, prior to the first day of October, two thousand one, transmit to the Secretary of State the name of every person authorized to celebrate marriages by order issued in his or her county since one thousand nine hundred sixty and the Secretary of State shall include these names in the registry. The completed registry and periodic updates shall be transmitted to every county clerk. (c)(1) Upon written request from the registrant, the Secretary of State shall designate the registrant as inactive on the registry. (2) Upon written notice from the governing body of the registrant's authorizing body that the registrant has died or that the registrant's authority to perform marriages has been revoked, the Secretary of State shall attempt to notify the registrant of the change in the registrant's status by United States mail addressed to the registrant's last known address. If the registrant fails to provide the Secretary of State with proof of good standing with his or her authorizing body within thirty days, the registrant shall be designated on the registry as inactive. (d) A fee not to exceed twenty-five dollars may be charged by the Secretary of State for each registration or reactivation of an individual designated as inactive on the registry received on or after the first day of September, two thousand one, and all money received shall be deposited in a special revenue revolving fund designated the Marriage Celebrants Registration Fee Administration Fund in the State Treasury to be administered by the Secretary of State. Expenses incurred by the secretary in the implementation and operation of the registry program shall be paid from the fund. (e) No marriage performed by a person authorized by law to celebrate marriages may be invalidated solely because the person was not listed in the registry provided for in this section. (f) The Secretary of State shall promulgate rules to implement the provisions of this section.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 4: Marriage Ceremony § 48-2-403**

A religious representative authorized to celebrate the rites of marriage shall perform the ceremony of marriage according to the rites and ceremonies of his or her religious denomination, church, synagogue, spiritual assembly or religious organization and the laws of the state of West Virginia.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 4: Marriage Ceremony § 48-2-404**

The ritual for the ceremony of marriages by a family court judge, a circuit judge or a justice of the supreme court of appeals may be as follows: At the time appointed, the persons to be married, being qualified according to the law of the state of West Virginia, standing together facing the judge, the man at the judge's left hand and the woman at the right, the judge shall say: "We are gathered here, in the presence of these witnesses, to join together this man and this woman in matrimony. It is not to be entered into unadvisedly but discreetly, sincerely and in dedication of life." (Then shall the judge say to the man, using his christian name:) "N., wilt thou have this woman to be thy wedded wife, to live together in the bonds of matrimony? Wilt thou love her, comfort her, honor and keep her in sickness and in health?" (Then the man shall answer:) "I will." (Then the judge shall say to the woman, using her christian name:) "N., wilt thou have this man to be thy wedded husband, to live together in the bonds of

matrimony? Wilt thou love him, comfort him, honor and keep him in sickness and health?" (The woman shall answer:) "I will." (Then may the judge say:) "Who giveth this woman to be married to this man?" (The father of the woman, or whoever giveth her in marriage, shall answer:) "I do." (Then the judge shall ask the man to say after him:) "I, N., take thee, N., to be my wedded wife, to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, as long as life shall last, and thereto I pledge thee my faith." (Then the judge shall ask the woman to repeat after him:) "I, N., take thee, N., to be my wedded husband, to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, as long as life shall last, and thereto I pledge thee my faith." (Then, if there be a ring, the judge shall say:) "The wedding ring is an outward and visible sign--signifying unto all, the uniting of this man and this woman in matrimony." (The judge then shall deliver the ring to the man to put on the third finger of the woman's left hand. The man shall say after the judge:) "In token and pledge of the vow between us made, with this ring, I thee wed." (Then, if there be a second ring, the judge shall deliver it to the woman to put upon the third finger of the man's left hand; and the woman shall say after the judge:) "In token and pledge of the vow between us made, with this ring, I thee wed." (Then shall the judge say:) "Forasmuch as N. and N. have consented together in wedlock, and have witnessed the same each to the other and before these witnesses and thereto have pledged their faith each to the other, and have declared the same by giving (and receiving) a ring, by virtue of the authority vested in me as judge of this court, I pronounce that they are husband and wife together."

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 4: Marriage Ceremony § 48-2-405**

A record of each marriage performed, with the names of the parties, their respective places of residence prior to marriage, and the date of marriage, shall be kept by the officiating religious representative in the permanent record of the church, synagogue, spiritual assembly or religious organization which he or she serves.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 5: Offenses and Penalties § 48-2-501**

(a) It is unlawful for a clerk of the county commission to do any of the following acts: (1) To make a false entry as to the date of application for a marriage license; (2) To issue a marriage license prior to the end of the required three-day period (unless a circuit judge dispenses with this requirement by order pursuant to section 2-103); (3) To issue a license on any Sunday or a legal holiday; or (4) To receive an application for a marriage license or issue a marriage license in any place other than the office of the clerk of the county commission. (b) A clerk of the county commission who violates the provisions of subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by confinement in the county or regional jail for not less than three months nor more than nine months, or by both such fine and confinement, in the discretion of the court.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 5: Offenses and Penalties § 48-2-502**

A clerk of the county commission who knowingly issues a marriage license contrary to law is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred

dollars, or by confinement in the county or regional jail for not more than one year, or by both such fine and confinement, in the discretion of the court.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 5: Offenses and Penalties § 48-2-503**

(a) If a person marries another who is within the degrees of relationship described in section 2-302, and the relationship is founded on consanguinity, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars, or be confined in the county or regional jail for not more than six months, or both, in the discretion of the court. (b) If a person who is a resident of this state marries in another state or country, the person violates subsection (a) of this section if: (1) The persons married are within the degrees of relationship described in section 2-302 and the relationship is founded on consanguinity; (2) The person intends to evade the law of this state; (3) The person intends to return and reside in this state; and (4) The persons, after marrying, return to this state and cohabit as man and wife. (c) For purposes of this section, the fact of cohabitation of the persons as man and wife is evidence of their marriage.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 5: Offenses and Penalties § 48-2-504**

If a person who is authorized to celebrate marriages in this state willfully fails to comply with the provisions of section 2-202, relating to the endorsement and return of a license, his or her authority must be suspended for a period of not less than six months nor more than one year. If the person gave bond under the provisions of section 2-402, the conditions of the bond are deemed to be broken and the bond must be forfeited as otherwise provided by law. The county clerk shall notify the prosecuting attorney of the county of any failure to comply with section 2-202. The prosecuting attorney shall institute proceedings before the circuit court to suspend the person's authority to celebrate marriages. The court shall determine all questions of law and fact.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 5: Offenses and Penalties § 48-2-505**

(a) It is unlawful for any religious representative in any manner to solicit the celebration of a marriage ceremony. (b) It is unlawful for a religious representative to give anything of value, directly or indirectly, as a reward to any person who may accompany, bring, send or direct the holders of a marriage license to the religious representative. (c) If a person violates the provisions of subsection (a) or (b) of this section, his or her license to celebrate marriages shall be revoked, and no such license shall thereafter be issued to the person. It is the duty of the prosecuting attorney of the county in which the violation occurs to institute proceedings in the circuit court to revoke the license. Reasonable notice of proceedings to revoke a license shall be given to the licensee. The court shall determine all questions of law and fact.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 6: Miscellaneous Provisions § 48-2-601**

If a marriage is solemnized by a person professing to be authorized to celebrate marriages when, in fact, the person is not authorized, or if a marriage is solemnized after the license is expired, the marriage is not void and subject to a judgment of nullity based on that fact alone if: (1) The marriage is lawful in all

other respects, and (2) The marriage is consummated with a full belief on the part of either or both of the persons married that they have been lawfully joined in marriage.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 6: Miscellaneous Provisions § 48-2-602**

If a resident of this state marries in another state or country, the marriage is governed by the same law, in all respects, as if it had been solemnized in this state if, at the time of the marriage: (1) The marriage would have been in violation of section 3-103 if performed in this state; (2) The person intended to evade the law of this state; and (3) The person intended to return and reside in this state.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 6: Miscellaneous Provisions § 48-2-603**

A public act, record or judicial proceeding of any other state, territory, possession or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of the other state, territory, possession, or tribe, or a right or claim arising from such relationship, shall not be given effect by this state.

**West Virginia Code - Chapter 48: Domestic Relations - Article 2: Marriages - Part 6: Miscellaneous Provisions § 48-2-604**

In addition to any fee heretofore established for the issuance of a marriage license, the county clerk shall collect a sum of fifteen dollars for each marriage license issued which additional sum shall be paid into a special revenue account of the state treasury to be dispersed to local family protection shelters as provided in article 26-101, et seq.