

# Oregon Marriage Officiant Guide

**Officiants:** Ministers of any church organized, carrying on its work, and having congregations in this state may perform marriages in this state if authorized by their church to do so. **Some counties require Officiants to file their credentials with the County Clerk of the county in which they reside, or in which the marriage is to be performed, prior to the ceremony.** (Please visit your local Oregon county clerk's website for full instructions, or contact First Nation member services for additional information.) The Officiant must return the completed marriage certificate to the county clerk who issued the marriage license within five days after the ceremony. Officiants must provide the bridal couple with a marriage certificate upon their request.

**Solemnization Authority:** Marriage ceremonies may be performed by the following:

- Judges;
- Justices of Peace;
- County Clerks or their Deputies within appointing county; or
- Persons appointed to perform the ceremony by a congregation having regular meetings in the state (i.e., ministers, pastors, priests, rabbis).

**Oregon Registration:** When completing the marriage license form or registering with the county clerk's office, **please list the authorizing organization as:**

First Nation Church and Ministry  
110 Center Street East, Suite 650  
Madison, South Dakota 57042-2908  
Phone: 877-270-7710

## MARRIAGE LICENSE INFORMATION

*Much of the information below is state law in Oregon; however, this information can vary from county to county, and is subject to change. We recommend contacting your local county clerk's office before applying for your marriage license.*

**ID Requirement:** Driver's license or certified birth certificate or passport, *and* Social Security number.

**Residency Requirement:** You do not have to be residents of Oregon.

**If previously married:** A license can be issued one day after the final date of a divorce. The final divorce date is required on the marriage license application.

**Application Requirement:** Both parties to a marriage should appear in person to obtain the license.

**Fees:** \$60. Some counties only accept cash, cashier's checks or money orders only. (No credit or debit cards.) There are no exceptions or waivers to the license fee, and no extensions or refunds are made once the license is issued.

**Waiting Period:** There is a three-day waiting period from the day the license is issued until it can be used.

**Blood Tests:** No test required.

**Under Age 18:** The minimum legal age for marriage in the State of Oregon for both parties is 18 years. Anyone not yet 17 years of age cannot be legally married in the State of Oregon. A 17-year-old can be married if he or she has parental or guardian consent. Parent and guardian consent forms are available from the County Recording Office.

**Proxy Marriages:** Not permitted. Both parties must be present at the ceremony.

**Common Law Marriage:** Not permitted.

**Cousin Marriage:** Not permitted.

**Same-Gender Marriage:** Permitted, as of May 19, 2014.

**Valid:** An Oregon marriage license is valid for 60 days. The license can only be used within the State of Oregon.

***For additional information, please visit [FirstNationMinistry.org](http://FirstNationMinistry.org)***

*The above information is believed to be correct, but does not purport to be legal advice, is not all-inclusive and shall be used only as a guide. Under the terms specified in your ordination, you are solely responsible for becoming familiar with and complying to all current laws and regulations in effect within the jurisdiction in which you will conduct ceremonies.*

# Oregon Revised Statute 106

## **106.120 Who may solemnize marriage; fee; personal payment; records.**

- (1) As used in this section, "judicial officer" means:
- (a) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not limited to a judge of a municipal court and a justice of the peace.
  - (b) An active judge of a federal court.
  - (c) An active United States magistrate judge.
- (2) **Marriages may be solemnized by:**
- (a) A judicial officer;
  - (b) A county clerk;
  - (c) Religious congregations or organizations as indicated in ORS 106.150 (2); or
  - (d) **A clergyperson of any religious congregation or organization who is authorized by the congregation or organization to solemnize marriages.**
- (3) **A person authorized to solemnize marriages under subsection (2) of this section may solemnize a marriage anywhere in this state.**
- (4)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state, the clerk of the court or the county clerk shall collect a fee of \$100 and deposit the fee in the Judicial Department Operating Account established in ORS 1.009.
- (b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of \$100, as provided in ORS 205.320.
- (c) The fee described in this subsection may be collected only if:
- (A) The marriage is solemnized during normal working hours, excluding holidays;
  - (B) The marriage is solemnized in court facilities or a county clerk's office; or
  - (C) More than a minimal amount of staff time or other court or county clerk's office resources are used in connection with the solemnization.
- (d) The Chief Justice of the Supreme Court or the county clerk may establish a written procedure for waiver of the fee required under this subsection in exigent circumstances, including but not limited to indigency of the parties to the marriage.
- (5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this state and a county clerk may charge and accept an agreed upon personal payment not to exceed \$100 plus actual costs for the solemnization of a marriage if that solemnization is performed:
- (a) At a place other than the courthouse where the judicial officer or county clerk serves; or
  - (b) Outside of the judicial officer's or county clerk's normal working hours.
- (6) The charging and accepting of a personal payment by a judicial officer of this state or a county clerk under subsection (5) of this section does not constitute a violation of any of the provisions of ORS chapter 244.
- (7) The amount of actual costs charged by a judicial officer of this state or a county clerk under subsection (5) of this section may not exceed:
- (a) Actual expenses for food and lodging as verified by receipts.
  - (b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial officer's or county clerk's home or office, whichever is greater, compensated at the rate of reimbursement then provided by the State of Oregon to its employees or, if travel is made by a commercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.
- (8) A judicial officer of this state or a county clerk shall maintain records of the amount of personal payments received for performing marriages, of actual costs and the supporting documentation related thereto for a period of four years.
- (9) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state shall show to the judge proof of payment of the fee required under subsection (4)(a) of this section before solemnization. Except as provided in subsection (4)(d) of this section, the judge may not solemnize a marriage without proof of payment of the fee.
- [Amended by 1971 c.621 §22; 1975 c.607 §22; 1977 c.518 §2; 1979 c.724 §3; 1979 c.833 §24; 1981 c.176 §1; 1991 c.282 §1; 1991 c.458 §1; 1997 c.424 §1; 1999 c.776 §1; 2001 c.501 §1; 2003 c.565 §1; 2003 c.737 §111; 2011 c.595 §89; 2013 c.685 §§42,42a]

**106.130 Validity of marriage solemnized by unauthorized person.** A marriage solemnized before any person professing to be a judicial officer of this state, a county clerk or a clergyperson of a religious congregation or organization therein 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 person was acting at the time in the office or the capacity of a person authorized to solemnize marriage and if such marriage is consummated with the belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. [Amended by 1979 c.724 §4; 2001 c.501 §5]

**106.140 Solemnizing marriage unlawfully or without authority.** No person shall undertake to join others in marriage knowing that the person is not lawfully authorized so to do. No person authorized to solemnize marriage shall join persons in marriage contrary to any of the provisions of ORS 106.010 to 106.060 or 106.100 to 106.190.

**106.150 Form of solemnization; witnesses; solemnization before congregation.** (1) **In the solemnization of a marriage no particular form is required except that the parties thereto shall assent or declare in the presence of the clergyperson, county clerk or judicial officer solemnizing the marriage and in the presence of at least two witnesses, that they take each other to be husband and wife.**

(2) 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. In such case, the person presiding or officiating in the religious organization or congregation shall deliver to the county clerk who issued the marriage license the application, license and record of marriage in accordance with ORS 106.170. [Amended by 1979 c.724 §5; 2001 c.501 §2; 2007 c.703 §3]

**106.170 Report of marriage to county clerk.** A person solemnizing a marriage shall, within ten days after the marriage ceremony, complete the original application, license and record of marriage form and deliver the form to the county clerk who issued the marriage license. The person solemnizing the marriage may keep a copy of the application, license and record of marriage form. [Amended by 1981 c.176 §2; 2001 c.501 §3; 2007 c.703 §7]