

1 Article 2.
2 Marriage Licenses.

3 **§ 51-6. Solemnization without license unlawful.**

4 No minister, officer, or any other person authorized to solemnize a marriage under the laws
5 of this State shall perform a ceremony of marriage between a man and woman, or shall declare
6 them to be husband and wife, until there is delivered to that person a license for the marriage of
7 the said persons, signed by the register of deeds of the county in which the marriage license
8 was issued or by a lawful deputy or assistant. There must be at least two witnesses to the
9 marriage ceremony.

10 Whenever a man and woman have been lawfully married in accordance with the laws of the
11 state in which the marriage ceremony took place, and said marriage was performed by a
12 magistrate or some other civil official duly authorized to perform such ceremony, and the
13 parties thereafter wish to confirm their marriage vows before an ordained minister or minister
14 authorized by a church, or in a ceremony recognized by any religious denomination, federally
15 or State recognized Indian Nation or Tribe, nothing herein shall be deemed to prohibit such
16 confirmation ceremony; provided, however, that such confirmation ceremony shall not be
17 deemed in law to be a marriage ceremony, such confirmation ceremony shall in no way affect
18 the validity or invalidity of the prior marriage ceremony performed by a civil official, no
19 license for such confirmation ceremony shall be issued by a register of deeds, and no record of
20 such confirmation ceremony may be kept by a register of deeds. (1871-2, c. 193, s. 4; Code, s.
21 1813; Rev., s. 2086; C.S., s. 2498; 1957, c. 1261; 1959, c. 338; 1967, c. 957, ss. 6, 9; 1977, c.
22 592, s. 2; 2001-62, s. 6.)

23
24 **§ 51-7. Penalty for solemnizing without license.**

25 Every minister, officer, or any other person authorized to solemnize a marriage under the
26 laws of this State, who marries any couple without a license being first delivered to that person,
27 as required by law, or after the expiration of such license, or who fails to return such license to
28 the register of deeds within 10 days after any marriage celebrated by virtue thereof, with the
29 certificate appended thereto duly filled up and signed, shall forfeit and pay two hundred dollars
30 (\$200.00) to any person who sues therefore, and shall also be guilty of a Class 1 misdemeanor.
31 (R.C., c. 68, ss. 6, 13; 1871-2, c. 193, s. 8; Code, s. 1817; Rev., ss. 2087, 3372; C.S., s. 2499;
32 1953, c. 638, s. 1; 1967, c. 957, s. 5; 1993, c. 539, s. 415; 1994, Ex. Sess., c. 24, s. 14(c);
33 2001-62, s. 7.)

34
35 **§ 51-8. License issued by register of deeds.**

36 Every register of deeds shall, upon proper application, issue a license for the marriage of
37 any two persons who are able to answer the questions regarding age, marital status, and
38 intention to marry, and, based on the answers, the register of deeds determines the persons are
39 authorized to be married in accordance with the laws of this State. In making a determination as
40 to whether or not the parties are authorized to be married under the laws of this State, the
41 register of deeds may require the applicants for the license to marry to present certified copies
42 of birth certificates or such other evidence as the register of deeds deems necessary to the
43 determination. The register of deeds may administer an oath to any person presenting evidence
44 relating to whether or not parties applying for a marriage license are eligible to be married
45 pursuant to the laws of this State. Each applicant for a marriage license shall provide on the
46 application the applicant's social security number. If an applicant does not have a social
47 security number and is ineligible to obtain one, the applicant shall present a statement to that
48 effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation
49 of a sworn or affirmed statement, the register of deeds shall issue the license, provided all other
50 requirements are met, and retain the statement with the register's copy of the license. The
51 register of deeds shall not issue a marriage license unless all of the requirements of this section

1 have been met. (1871-2, c. 193, s. 5; Code, s. 1814; 1887, c. 331; Rev., s. 2088; C.S., s. 2500;
2 1957, c. 506, s. 1; 1967, c. 957, s. 2; 1997-433, s. 4.5; 1998-17, s. 1; 1999-375, s. 1; 2001-62, s.
3 8; 2002-159, s. 14.)
4

5 **§ 51-8.1. Repealed by Session Laws 1967, c. 53.**
6

7 **§ 51-8.2. Issuance of marriage license when applicant is unable to appear.**

8 If an applicant for a marriage license is over 18 years of age and is unable to appear in
9 person at the register of deeds' office, the other party to the planned marriage must appear in
10 person on behalf of the applicant and submit a sworn and notarized affidavit in lieu of the
11 absent applicant's personal appearance.

12 The affidavit shall be in the following or some equivalent form:

13 _____, [applicant] appearing before the undersigned notary and being duly sworn,
14 says that:

15 1. I, _____, [applicant's name] am applying for a license in _____ County, North
16 Carolina, to marry _____ [name of other applicant] in North Carolina within the next
17 60 days and I am authorized under G.S. 51-8.2 to complete this Affidavit in Lieu of
18 Personal Appearance for Marriage License Application.

19 I attach: (1) documentation that I am over 18 years of age as required in county of
20 issuance; and (2) documentation of divorce as required by county of issuance.

21 2. I submit the following information in applying for a marriage license:

22 Name: _____

23 First Middle Last

24 Residence: _____

25 State County City or Town

26 _____

27 Street and Number

28 Inside City Limits (Yes or No): _____

29 Birthplace: _____

30 County & State or Country

31 Birth Date: _____ Age: _____

32 Father: _____

33 Name State of Birth

34 _____

35 Address (if living) or Deceased

36 Mother: _____

37 Name State of Birth

38 _____

39 Address (if living) or Deceased

40 Race (Optional): _____

41 Number of this marriage: 1st, 2nd, etc. _____

42 Last Marriage Ended by: _____

43 Death, Divorce, Annulment

44 Date Marriage Ended: _____

45 Specify Highest Grade Completed in School (Optional): _____

46 Social Security # _____ (If applicant does not have Social Security number,
47 attach affidavit of ineligibility)

48 I hereby make application to the Register of Deeds for a Marriage License and solemnly
49 swear that all of the statements contained in the above application are true and I further
50 make oath that there is no legal impediment to such marriage.
51 _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____,
_____.

[Seal] Notary Public
My commission expires: _____

[Notary's typed or printed name].

(2001-62, s. 9.)

§§ 51-9 through 51-11: Repealed by Session Laws 1994, c. 647, ss. 1-3.

§ 51-12: Repealed by Session Laws 1985, c. 589, s. 27.

§ 51-13: Repealed by Session Laws 1994, c. 647, s. 4.

§ 51-14. Repealed by Session Laws 1967, c. 957, s. 3.

§ 51-15. Obtaining license by false representation misdemeanor.

If any person shall obtain, or aid and abet in obtaining, a marriage license by misrepresentation or false pretenses, that person shall be guilty of a Class 1 misdemeanor. (1885, c. 346; Rev., s. 3371; C.S., s. 2501; 1967, c. 957, s. 4; 1993, c. 539, s. 417; 1994, Ex. Sess., c. 24, s. 14(c); 2001-62, s. 10.)

§ 51-16. Form of license.

License shall be in the following or some equivalent form:

To any ordained minister of any religious denomination, minister authorized by a church, any magistrate, or any other person authorized to solemnize a marriage under the laws of this State: A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be written in full) of (here state his residence), aged ____ years (race, as the case may be), the son of (here state the father and mother, if known; state whether they are living or dead, and their residence, if known; if any of these facts are not known, so state), and E.F. (write the name of the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the daughter of (here state names and residences of the parents, if known, as is required above with respect to the man). (If either of the parties is under 18 years of age, the license shall here contain the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to the proposed marriage having been filed with me, and there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within 60 days from the date hereof, to celebrate the proposed marriage at any place within the State. You are required within 10 days after you shall have celebrated such marriage, to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use of any person who shall sue for the same.

Issued this ____ day of _____,
_____ L.M.

Register of Deeds of ____ County

Every register of deeds shall, at the request of an applicant, designate in a marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican,"

1 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino,"
2 or "other," as the case may be. The certificate shall be filled out and signed by the minister,
3 officer, or other authorized individual celebrating the marriage, and also be signed by two
4 witnesses present at the marriage, who shall add to their names their place of residence, as
5 follows:

6 I, N.O., an ordained or authorized minister or other authorized individual of (here state to
7 what religious denomination, or magistrate, as the case may be), united in matrimony (here
8 name the parties), the parties licensed above, on the ___ day of _____, ___, at the house of
9 P.R., in (here name the town, if any, the township and county), according to law.

10 _____ N.O.

11 Witness present at the marriage:

12 S.T., of (here give residence).

13 (1871-2, c. 193, s. 6; Code, s. 1815; 1899, c. 541, ss. 1, 2; Rev., s. 2089; 1909, c. 704, s. 3;
14 1917, c. 38; C.S., s. 2502; 1953, c. 638, s. 2; 1967, c. 957, s. 7; 1971, c. 1072; c. 1185, s. 27;
15 1999-456, s. 59; 2001-62, s. 11.)

16
17 **§ 51-16.1. Form of license for Address Confidentiality Program participant.**

18 If a person submits to the local register of deeds a current and valid Address Confidentiality
19 Program authorization card issued pursuant to the provisions of Chapter 15C of the General
20 Statutes, the local register of deeds shall use the substitute address designated by the Address
21 Confidentiality Program when creating a new marriage license. (2002-171, s. 3.)

22
23 **§ 51-17. Penalty for issuing license unlawfully.**

24 Every register of deeds who knowingly or without reasonable inquiry, personally or by
25 deputy, issues a license for the marriage of any two persons to which there is any lawful
26 impediment, or where either of the persons is under the age of 18 years, without the consent
27 required by law, shall forfeit and pay two hundred dollars (\$200.00) to any parent, guardian, or
28 other person standing in loco parentis, who sues for the same: Provided, that requiring a party
29 to a proposed marriage to present a certified copy of his or her birth certificate, or a certified
30 copy of his or her birth record in the form of a birth registration card as provided in G.S.
31 130-102, in accordance with the provisions of G.S. 51-8, shall be considered a reasonable
32 inquiry into the matter of the age of such party. (R.C., c. 68, s. 13; 1871-2, c. 193, s. 7; Code, s.
33 1816; 1895, c. 387; 1901, c. 722; Rev., s. 2090; C.S., s. 2503; 1957, c. 506, s. 2.)

34
35 **§ 51-18. Record of licenses and returns; originals filed.**

36 The register of deeds shall maintain a separate index for marriage licenses and returns
37 thereto. Each marriage license shall be indexed alphabetically according to the name of the
38 proposed husband and proposed wife. Each index entry shall include, but not be limited to, the
39 full name of the intended husband and wife, the date the marriage ceremony was performed,
40 and the location of the original license and the return thereon. The original license and return
41 shall be filed and preserved. (1871-2, c. 193, s. 9; Code, s. 1818; 1899, c. 541, s. 3; Rev., s.
42 2091; C.S., s. 2504; 1963, c. 429; 1967, c. 957, s. 8; 1979, c. 636, s. 1; 1983, c. 699, s. 2.)

43
44 **§ 51-18.1. Correction of errors in application or license; amendment of names in
45 application or license.**

46 (a) When it shall appear to the register of deeds of any county in this State that
47 information is incorrectly stated on an application for a marriage license, or upon a marriage
48 license issued thereunder, or upon a return or certificate of an officiating officer, the register of
49 deeds is authorized to correct such record or records upon being furnished with an affidavit
50 signed by one or both of the applicants for the marriage license, accompanied by affidavits of at
51 least two other persons who know the correct information.

1 (b) When the name of a party to a marriage has been changed by court order as a result
2 of a legitimation action or other cause of action, and the party whose name is changed presents
3 a signed affidavit to the register of deeds indicating the name change and requesting that the
4 application for a marriage license, the marriage license, and the marriage certificate of the
5 officiating officer be amended by substituting the changed name for the original name, the
6 register of deeds may amend the records as requested by the party, provided the other party
7 named in the records consents to the amendment. (1953, c. 797; 1959, c. 344; 1987, c. 576;
8 2001-62, s. 12.)
9

10 **§ 51-19. Penalty for failure to record.**

11 Any register of deeds who fails to record, in the manner above prescribed, the substance of
12 any marriage license issued by him, or who fails to record, in the manner above prescribed, the
13 substance of any return made thereon, within 10 days after such return made, shall forfeit and
14 pay two hundred dollars (\$200.00) to any person who sues for the same. (1871-2, c. 193, s. 10;
15 Code, s. 1819; Rev., s. 2092; C.S., s. 2505.)
16

17 **§ 51-20. Repealed by Session Laws 1969, c. 80, s. 6.**

18 **§ 51-21. Issuance of delayed marriage certificates.**

19 In all those cases where a minister or other person authorized by law to perform marriage
20 ceremonies has failed to file his return thereof in the office of the register of deeds who issued
21 the license for such marriage, the register of deeds of such county is authorized to issue a
22 delayed marriage certificate upon being furnished with one or more of the following:
23

- 24 (1) The affidavit of at least two witnesses to the marriage ceremony;
- 25 (2) The affidavit of one or both parties to the marriage, accompanied by the
26 affidavit of at least one witness to the marriage ceremony;
- 27 (3) The affidavit of the minister or other person authorized by law who
28 performed the marriage ceremony, accompanied by the affidavit of one or
29 more witnesses to the ceremony or one of the parties thereto.
- 30 (4) When proof as required by the three methods set forth in subdivisions (1),
31 (2), and (3) above is not available with respect to any marriage alleged to
32 have been performed prior to January 1, 1935, the register of deeds is
33 authorized to accept the affidavit of any one of the persons named in
34 subdivisions (1), (2), and (3) and in addition thereto such other proof in
35 writing as he may deem sufficient to establish the marriage and any facts
36 relating thereto; provided, however, that if the evidence offered under this
37 paragraph is insufficient to convince the register of deeds that the marriage
38 ceremony took place, or any of the pertinent facts relating thereto, the
39 applicants may bring a special proceeding before the clerk of superior court
40 of the county in which the purported marriage ceremony took place. The
41 said clerk of the superior court is authorized to hear the evidence and make
42 findings as to whether or not the purported ceremony took place and as to
43 any pertinent facts relating thereto. If the clerk finds that the marriage did
44 take place as alleged, he is to certify such findings to the register of deeds
45 who is to then issue a delayed marriage certificate in accordance with the
46 provisions of this section.

47 The certificate issued by the register of deeds under authority of this section shall contain
48 the date of the delayed filing, the date the marriage ceremony was actually performed, and all
49 such certificates issued pursuant to this section shall have the same evidentiary value as any
50 other marriage certificates issued pursuant to law. (1951, c. 1224; 1955, c. 246; 1967, c. 957, s.
51 10; 1969, c. 80, s. 12.)