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HOUSE BILL 142*
Committee Substitute Favorable 3/26/01
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Short Title: Amend Marriage Statutes.

(Public)

Sponsors:

Referred to:

February 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN-YEAR-OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 51-1 reads as rewritten:

"§ 51-1. Requisites of marriage; solemnization.

A valid and sufficient marriage is created by the ~~The~~ consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, ~~and either:~~

(1) a. ~~in~~ In the presence of an ordained minister of any religious denomination, a minister authorized by ~~his~~ a church, or ~~of a~~ magistrate, and ~~the consequent declaration by such minister or officer that such persons are husband and wife,~~ a magistrate; and

1 b. ~~and~~ With the consequent declaration by ~~such~~ the minister or
 2 ~~officer~~ magistrate that ~~such~~ the persons are husband and wife,
 3 wife; or

4 (2) In accordance with any mode of solemnization recognized by any
 5 religious denomination, or federally or State recognized Indian Nation
 6 or Tribe.

7 ~~shall be a valid and sufficient marriage: Provided, that the rite of marriage among the~~
 8 ~~Society of Friends, according to a form and custom peculiar to themselves, shall not be~~
 9 ~~interfered with by the provisions of this Chapter: Provided further, that marriages~~
 10 ~~solemnized and witnessed by a local spiritual assembly of the Baha'is, according to the~~
 11 ~~usage of their religious community, shall be valid; provided further, marriages~~
 12 Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but not
 13 ordained, are validated from their consummation."

14 **SECTION 2.** G.S. 51-2 reads as rewritten:

15 "**§ 51-2. Capacity to marry.**

16 (a) All unmarried persons of 18 years, or older, may lawfully marry, except as
 17 hereinafter forbidden.

18 (a1) ~~In addition, persons~~ Persons over 16 years of age and under 18 years of age
 19 may marry, and the register of deeds may issue a license for ~~such~~ the marriage, only
 20 after there shall have been filed with the register of deeds a written consent to ~~such~~ the
 21 marriage, said consent having been signed by the appropriate person as follows:

22 (1) ~~By the father if the male or female child applying to marry resides with~~
 23 ~~his or her father, but not with his or her mother;~~

24 (2) ~~By the mother if the male or female child applying to marry resides~~
 25 ~~with his or her mother, but not with his or her father;~~

26 (3)(1) ~~By either the mother or father, without preference, if the male or~~
 27 ~~female child applying to marry resides with his or her mother and~~
 28 ~~father; a parent having full or joint legal custody of the underage party;~~
 29 or

30 (4)(2) ~~By a person, agency, or institution having legal eustody, standing in~~
 31 ~~loco parentis, custody or serving as a guardian of such male or female~~
 32 ~~child applying to marry. the underage party.~~

33 The written consent required by this subsection shall be either acknowledged before a
 34 notary public or signed in the presence of the register of deeds. Such written consent
 35 shall not be required for an emancipated minor if a certificate of emancipation issued
 36 pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a
 37 final decree or certificate of emancipation from this or any other jurisdiction is filed
 38 with the register of deeds.

39 (b) Persons over 14 years of age and under 16 years of age may marry as
 40 provided in G.S. 51-2A.

41 ~~When an unmarried female who is more than 12 years old, but less than 18 years old,~~
 42 ~~is pregnant or has given birth to a child and such unmarried female and the putative~~
 43 ~~father of the child, either born or unborn, shall agree to marry, and consent in writing to~~

1 such marriage, as set out in subsection (a), subdivisions (1), (2), (3) or (4) above, or by
2 the director of social services of the county of residence of either party, is given on the
3 part of the female, the register of deeds is authorized to issue to said parties a license to
4 marry, and it shall be lawful for them to marry in accordance with the provisions of this
5 Chapter.

6 (b1) It shall be unlawful for any person under 14 years of age to marry.

7 (c) When a license to marry is procured by or on behalf of any person under 18
8 years of age by fraud or misrepresentation, a parent or person standing in loco parentis
9 to such person under 18 years of age shall be a proper party plaintiff in parent of the
10 underage party, a person, agency, or institution having legal custody or serving as a
11 guardian of the underage party, or a guardian ad litem appointed to represent the
12 underage party pursuant to G.S. 51-2A(b) is a proper party to bring an action to annul
13 said the marriage."

14 **SECTION 3.** Article 1 of Chapter 51 of the General Statutes is amended by
15 adding a new section to read:

16 "**§ 51-2A. Marriage of certain underage parties.**

17 (a) If an unmarried female who is more than 14 years of age, but less than 16
18 years of age, is pregnant or has given birth to a child and the unmarried female and the
19 putative father of the child, either born or unborn, agree to marry, or if an unmarried
20 male who is more than 14 years of age, but less than 16 years of age, is the putative
21 father of a child, either born or unborn, and the unmarried male and the mother of the
22 child agree to marry, the register of deeds is authorized to issue to the parties a license
23 to marry; and it shall be lawful for them to marry in accordance with the provisions of
24 this Chapter, only after a certified copy of an order issued by a district court authorizing
25 the marriage is filed with the register of deeds. A district court judge may issue an order
26 authorizing a marriage under this section only upon finding as fact and concluding as a
27 matter of law that the underage party is capable of assuming the responsibilities of
28 marriage and the marriage will serve the best interest of the underage party. In
29 determining whether the marriage will serve the best interest of an underage party, the
30 district court shall consider the following:

31 (1) The opinion of the parents of the underage party as to whether the
32 marriage serves the best interest of the underage party.

33 (2) The opinion of any person, agency, or institution having legal custody
34 or serving as a guardian of the underage party as to whether the
35 marriage serves the best interest of the underage party.

36 (3) The opinion of the guardian ad litem appointed to represent the best
37 interest of the underage party pursuant to G.S. 51-2A(b) as to whether
38 the marriage serves the best interest of the underage party.

39 (4) The relationship between the underage party and the parents of the
40 underage party, as well as the relationship between the underage party
41 and any person having legal custody or serving as a guardian of the
42 underage party.

43 (5) Any evidence that it would find useful in making its determination.

1 There shall be a rebuttable presumption that the marriage will not serve the best
2 interest of the underage party when all living parents of the underage party oppose the
3 marriage. The fact that the female is pregnant, or has given birth to a child, alone does
4 not establish that the best interest of the underage party will be served by the marriage.

5 (b) An underage party seeking an order granting judicial authorization to marry
6 pursuant to this section shall file a civil action in the district court requesting judicial
7 authorization to marry. The clerk shall collect court costs from the underage party in the
8 amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the
9 complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the
10 underage party shall be appointed a guardian ad litem in accordance with the provisions
11 of G.S. 1A-1, Rule 17. The guardian ad litem appointed shall be an attorney and shall be
12 governed by the provisions of subsection (d) of this section. The underage party shall
13 serve a copy of the summons and complaint, in accordance with G.S. 1A-1, Rule 4, on
14 the father of the underage party; the mother of the underage party; and any person,
15 agency, or institution having legal custody or serving as a guardian of the underage
16 party. The underage party also shall serve a copy of the complaint, either in accordance
17 with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on the guardian ad litem appointed
18 pursuant to this section. A party responding to the underage party's complaint shall
19 serve his response within 30 days after service of the summons and complaint upon that
20 person. The underage party may participate in the proceedings before the court on his or
21 her own behalf. At the hearing conducted pursuant to this section, the court shall
22 consider evidence, as provided in subsection (a) of this section, and shall make written
23 findings of fact and conclusions of law.

24 (c) Any party to a proceeding under this section may be represented by counsel,
25 but no party is entitled to appointed counsel, except as provided in this section.

26 (d) The guardian ad litem appointed pursuant to subsection (b) of this section
27 shall represent the best interest of the underage party in all proceedings under this
28 section and also has standing to institute an action under G.S. 51-2(c). The appointment
29 shall terminate when the last judicial ruling rendering the authorization granted or
30 denied is entered. Payment of the guardian ad litem shall be governed by G.S. 7A-
31 451(f). The guardian ad litem shall make an investigation to determine the facts, the
32 needs of the underage party, the available resources within the family and community to
33 meet those needs, the impact of the marriage on the underage party, and the ability of
34 the underage party to assume the responsibilities of marriage; facilitate, when
35 appropriate, the settlement of disputed issues; offer evidence and examine witnesses at
36 the hearing; and protect and promote the best interest of the underage party. In fulfilling
37 the guardian ad litem's duties, the guardian ad litem shall assess and consider the
38 emotional development, maturity, intellect, and understanding of the underage party.
39 The guardian ad litem has the authority to obtain any information or reports, whether or
40 not confidential, that the guardian ad litem deems relevant to the case. No privilege
41 other than attorney-client privilege may be invoked to prevent the guardian ad litem and
42 the court from obtaining such information. The confidentiality of the information or
43 reports shall be respected by the guardian ad litem, and no disclosure of any information

1 or reports shall be made to anyone except by order of the court or unless otherwise
2 provided by law.

3 (e) If the last judicial ruling in this proceeding denies the underage party judicial
4 authorization to marry, the underage party shall not seek the authorization of any court
5 again under this section until after one year from the date of the entry of the last judicial
6 ruling rendering the authorization denied.

7 (f) Except as otherwise provided in this section, the rules of evidence in civil
8 cases shall apply to proceedings under this section. All hearings pursuant to this section
9 shall be recorded by stenographic notes or by electronic or mechanical means.
10 Notwithstanding any other provision of law, no appeal of right lies from an order or
11 judgment entered pursuant to this section."

12 **SECTION 4.** Article 1 of Chapter 51 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 51-2B. Parent includes adoptive parent.**

15 As used in this Article, the terms "parent", "father", or "mother" includes one who
16 has become a parent, father, or mother, respectively, by adoption."

17 **SECTION 5.** Article 1 of Chapter 51 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 51-3.2. Marriage licensed and solemnized by a federally recognized Indian**
20 **Nation or Tribe.**

21 (a) Subject to the restriction provided in subsection (b), a marriage between a
22 man and a woman licensed and solemnized according to the law of a federally
23 recognized Indian Nation or Tribe shall be valid and the parties to the marriage shall be
24 lawfully married.

25 (b) When the law of a federally recognized Indian Nation or Tribe allows persons
26 to obtain a marriage license from the register of deeds and the parties to a marriage do
27 so, Chapter 51 of the General Statutes shall apply and the marriage shall be valid only if
28 the issuance of the license and the solemnization of the marriage is conducted in
29 compliance with this Chapter."

30 **SECTION 6.** G.S. 51-6 reads as rewritten:

31 **"§ 51-6. Solemnization without license unlawful.**

32 No ~~minister or officer~~ minister, officer, or any other person authorized to solemnize
33 a marriage under the laws of this State shall perform a ceremony of marriage between a
34 man and woman, or shall declare them to be husband and wife, until there is delivered
35 to ~~him~~ that person a license for the marriage of the said persons, signed by the register
36 of deeds of the county in which the marriage is ~~intended to take place~~ license was issued
37 or by ~~his~~ a lawful ~~deputy~~ deputy or assistant. There must be at least two witnesses to
38 the marriage ceremony.

39 Whenever a man and woman have been lawfully married in accordance with the
40 laws of the state in which the marriage ceremony took place, and said marriage was
41 performed by a ~~justice of the peace~~ magistrate or some other civil official duly
42 authorized to perform such ceremony, and the parties thereafter wish to confirm their
43 marriage vows before an ordained minister or minister authorized by ~~his~~ a church, or in

1 a ceremony recognized by any religious denomination, federally or State recognized
2 Indian Nation or Tribe, nothing herein shall be deemed to prohibit such confirmation
3 ceremony; provided, however, that such confirmation ceremony shall not be deemed in
4 law to be a marriage ceremony, such confirmation ceremony shall in no way affect the
5 validity or invalidity of the prior marriage ceremony performed by a civil official, no
6 license for such confirmation ceremony shall be issued by a register of deeds, and no
7 record of such confirmation ceremony may be kept by a register of deeds."

8 **SECTION 7.** G.S. 51-7 reads as rewritten:

9 **"§ 51-7. Penalty for solemnizing without license.**

10 Every ~~minister or officer~~ minister, officer, or any other person authorized to
11 solemnize a marriage under the laws of this State, who marries any couple without a
12 license being first delivered to ~~him~~, that person, as required by law, or after the
13 expiration of such license, or who fails to return such license to the register of deeds
14 within 10 days after any marriage celebrated by virtue thereof, with the certificate
15 appended thereto duly filled up and signed, shall forfeit and pay two hundred dollars
16 (\$200.00) to any person who sues therefore, and ~~he~~ shall also be guilty of a Class 1
17 misdemeanor."

18 **SECTION 8.** G.S. 51-8 reads as rewritten:

19 **"§ 51-8. License issued by register of deeds.**

20 Every register of deeds shall, upon proper application, issue a license for the
21 marriage of any two persons ~~if it appears that such persons~~ who are able to answer the
22 questions regarding age, marital status, and intention to marry, and, based on the
23 answers, the register of deeds determines the persons are authorized to be married in
24 accordance with the laws of this State. In making a determination as to whether or not
25 the parties are authorized to be married under the laws of this State, the register of deeds
26 may require the applicants for the license to marry to present certified copies of birth
27 certificates or birth registration cards provided for in G.S. 130-73, or such other
28 evidence as the register of deeds deems necessary to such determination. The register of
29 deeds may administer an oath to any person presenting evidence relating to whether or
30 not parties applying for a marriage license are eligible to be married pursuant to the
31 laws of this State. Each applicant for a marriage license shall provide on the application
32 the applicant's social security number. If an applicant does not have a social security
33 number and is ineligible to obtain one, the applicant shall present a statement to that
34 effect, sworn to or affirmed before an officer authorized to administer oaths. Upon
35 presentation of a sworn or affirmed statement, the register of deeds shall issue the
36 license, provided all other requirements are met, and retain the statement with the
37 register's copy of the license. The register of deeds shall not issue a marriage license
38 unless all of the requirements of this section have been met."

39 **SECTION 9.** Chapter 51 of the General Statutes is amended by adding the
40 following new section:

41 **"§ 51-8.2. Issuance of marriage license when applicant is unable to appear.**

42 If an applicant for a marriage license is over 18 years of age and is unable to appear
43 in person at the register of deeds' office, the other party to the planned marriage must

1 appear in person on behalf of the applicant and submit a sworn and notarized affidavit
2 in lieu of the absent applicant's personal appearance.

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

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

6 1. I, _____, [applicant's name] am
7 applying for a license in _____ County, North Carolina, to
8 marry _____ [name of other applicant] in
9 North Carolina within the next 60 days and I am authorized under G.S.
10 51-8.2 to complete this Affidavit in Lieu of Personal Appearance for
11 Marriage License Application.

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

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

16 Name: _____

17 _____
18 First Middle Last

19 Residence: _____

20 _____
21 State County City or Town

22 _____
23 _____
24 Street and Number Inside City Limits (Yes or No)

25 Birthplace: Birth Date: Age:

26 County & State or Country

27 Father: _____

28 Name State of Birth Address (if living) or Deceased

29 Mother: _____

30 _____
31 Name State of Birth Address (if living) or Deceased

32 Race (Optional): Number of this marriage: _____

33 1st, 2nd, etc.

34 Last Marriage Ended by: Date Marriage Ended: _____

35 Death, Divorce, Annulment _____

36 Specify Highest Grade Completed in School (Optional):

37 Social Security # _____ (If applicant does
38 not have Social Security number, attach affidavit of
39 ineligibility)

40
41 I hereby make application to the Register of Deeds for a Marriage
42 License and solemnly swear that all of the statements contained
43 in the above application are true and I further make oath that

there is no legal impediment to such marriage.

Signature of Applicant

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

[Seal] Notary Public

My commission expires: [Notary's typed or printed name]"

SECTION 10. G.S. 51-15 reads as rewritten:

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

If any person shall obtain-obtain, or aid and abet in obtaining, a marriage license by misrepresentation or false pretenses, he-that person shall be guilty of a Class 31 misdemeanor."

SECTION 11. G.S. 51-16 reads as rewritten:

"§ 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 his-a church, or to any magistrate for County: 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 said-county-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-shall, at the request of an applicant, designate in every-a marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "colored, or "Indian," "black," "African-

1 American," "American Indian," "Alaska Native," "Asian Indian," "Chinese," "Filipino,"
2 "Japanese," "Korean," "Vietnamese," "Other Asian," "Native Hawaiian," "Guamarian,"
3 "Chamorro," "Samoan," "Other Pacific Islander," "Mexican," "Mexican-American,"
4 "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or "other," as
5 the case may be. The certificate shall be filled ~~up~~out and signed by the ~~minister or~~
6 ~~officer~~ minister, officer, or other authorized individual celebrating the marriage, and
7 also be signed by two witnesses present at the marriage, who shall add to their names
8 their place of residence, as follows:

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

14 _____ N.O.

15 Witness present at the marriage:

16 S.T., of (here give residence)."

17 **SECTION 12.** G.S. 51-18.1 reads as rewritten:

18 **"§ 51-18.1. Correction of errors ~~in names in application or license; amendment of~~**
19 **~~names in application or license.~~**

20 (a) When it shall appear to the register of deeds of any county in this State that
21 ~~the names of either or both parties to a marriage~~ information is incorrectly stated on an
22 application for a marriage license, or upon a marriage license issued thereunder, or upon
23 a return or certificate of an officiating officer, the register of deeds is authorized to
24 correct such record or records ~~to show the true name and names of the parties to the~~
25 ~~marriage~~ upon being furnished with an affidavit signed by one or both of the applicants
26 for the marriage license, accompanied by affidavits of at least two other persons who
27 know the ~~true name or names of the person or persons seeking such correction.~~ correct
28 information.

29 (b) When the name of a party to a marriage has been changed by court order as a
30 result of a legitimation action or other cause of action, and the party whose name is
31 changed ~~present~~ presents a signed affidavit to the register of deeds indicating the name
32 change and requesting that the application for a marriage license, the marriage license,
33 and the marriage certificate of the officiating officer be amended by substituting the
34 changed name for the original name, the register of deeds may amend the records as
35 requested by the party, provided the other party named in the records consents to the
36 amendment."

37 **SECTION 13.** G.S. 7B-200 reads as rewritten:

38 **"§ 7B-200. Jurisdiction.**

39 (a) The court has exclusive, original jurisdiction over any case involving a
40 juvenile who is alleged to be abused, neglected, or dependent. This jurisdiction does not
41 extend to cases involving adult defendants alleged to be guilty of abuse or neglect.

42 The court also has exclusive original jurisdiction of the following proceedings:

- 1 (1) Proceedings under the Interstate Compact on the Placement of
2 Children set forth in Article 38 of this Chapter;
- 3 (2) Proceedings involving judicial consent for emergency surgical or
4 medical treatment for a juvenile when the juvenile's parent, guardian,
5 custodian, or other person who has assumed the status and obligation
6 of a parent without being awarded legal custody of the juvenile by a
7 court refuses to consent for treatment to be rendered;
- 8 (3) Proceedings to determine whether a juvenile should be emancipated;
- 9 (4) Proceedings to terminate parental rights;
- 10 (5) Proceedings to review the placement of a juvenile in foster care
11 pursuant to an agreement between the juvenile's parents or guardian
12 and a county department of social services;
- 13 (6) Proceedings in which a person is alleged to have obstructed or
14 interfered with an investigation required by G.S. 7B-302; and
- 15 (7) Proceedings involving consent for an abortion on an unemancipated
16 minor pursuant to Article 1A, Part 2 of Chapter 90 of the General
17 ~~Statutes-Statutes~~; and
- 18 (8) Proceedings by an underage party seeking judicial authorization to
19 marry, pursuant to Article 1 of Chapter 51 of the General Statutes.

20 (b) The court shall have jurisdiction over the parent or guardian of a juvenile who
21 has been adjudicated abused, neglected, or dependent, as provided by G.S. 7B-904,
22 provided the parent or guardian has been properly served with summons pursuant to
23 G.S. 7B-406."

24 **SECTION 14.** G.S. 7A-451 is amended by adding a new subsection to read
25 as follows:

26 "(f) A guardian ad litem shall be appointed to represent the best interest of an
27 underage party seeking judicial authorization to marry pursuant to G.S. 51-2A. The
28 appointment and duties of the guardian ad litem shall be governed by G.S. 51-2A. The
29 procedure for compensation of the guardian ad litem shall comply with rules adopted by
30 the Office of Indigent Defense Services."

31 **SECTION 15.** G.S. 130A-110 reads as rewritten:

32 "**§ 130A-110. Registration of marriage certificates.**

33 (a) On or before the fifteenth day of the month, the register of deeds shall
34 transmit to the State Registrar a record of each marriage ceremony performed in the
35 county during the preceding calendar month. The State Registrar shall prescribe a form
36 containing the information required by ~~G.S. 50-16~~ G.S. 51-16 and additional
37 information to conform with the requirements of the federal agency responsible for
38 national vital statistics. The form shall be the official form of a marriage license,
39 certificate of marriage and application for marriage license.

40 (b) Each form signed and issued by the register of deeds, assistant register of
41 deeds or deputy register of deeds shall constitute an original or a duplicate original.
42 Upon request, the State Registrar shall furnish a true copy of the marriage registration.
43 The copy shall have the same evidentiary value as the original.

1 (c) The register of deeds shall provide copies or abstracts of marriage certificates
2 to any person upon request. Certified copies of these certificates shall be provided only
3 to those persons described in G.S. 130A-93(c).

4 (d) Marriage certificates maintained by the local register of deeds shall be open
5 to inspection and examination."

6 **SECTION 16.** The Administrative Office of the Courts shall develop any
7 and all forms necessary for carrying out the purpose of this act and distribute them to
8 the Office of the Clerk of Superior Court in each county.

9 **SECTION 17.** G.S. 51-1 reads as rewritten:

10 **"§ 51-1. Requisites of marriage; solemnization.**

11 The consent of a male and female person who may lawfully marry, presently to take
12 each other as husband and wife, freely, seriously and plainly expressed by each in the
13 presence of the other, and in the presence of an ordained minister of any religious
14 denomination, minister authorized by ~~his~~ church, regular resident superior court judge
15 of this State, or of a magistrate, and the consequent declaration by such ~~minister~~
16 minister, judge, or officer that such persons are husband and wife, shall be a valid and
17 sufficient marriage: Provided, that the rite of marriage among the Society of Friends,
18 according to a form and custom peculiar to themselves, shall not be interfered with by
19 the provisions of this Chapter: Provided further, that marriages solemnized and
20 witnessed by a local spiritual assembly of the Baha'is, according to the usage of their
21 religious community, shall be valid; provided further, marriages solemnized before
22 March 9, 1909, by ministers of the gospel licensed, but not ordained, are validated from
23 their consummation."

24 **SECTION 18.** Section 17 of this act becomes effective May 19, 2001, and
25 expires May 28, 2001. The remainder of this act becomes effective October 1, 2001.