

MARRIAGE LICENSE WHO CAN PERFORM A CEREMONY

DISCLAIMER OF LIABILITY

Applicants are advised that persons who have been ordained over the Internet may not be persons permitted to perform marriages in Pennsylvania. A recent Court decision held that persons ordained over the Internet are not ministers as defined in the marriage law of Pennsylvania, if they do not regularly preach to a congregation that regularly meets at a place of worship. You are advised to consult an attorney concerning the legality of such marriages.

This office will not determine what is/is not a church and/or congregation.

PLEASE BE ADVISED: If you choose to be married by someone other than the officiants specifically listed as authorized by PA law, the burden of proof will be on you regarding the legality of your marriage – should future issues arise that require a determination of the marriage's validity.

To be recognized as legal by the Commonwealth of Pennsylvania, marriages must be performed under a valid marriage license duly issued by a Clerk of Orphans' Court & MUST BE OFFICIATED by one of the following individuals specifically recognized under PA law as authorized to officiate, to wit:

Effective July 14, 2009

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness
Title 23 Pa.C.S.A. Domestic Relations
Part II. Marriage Chapter 15. Marriage Ceremony
1503. Persons qualified to solemnize marriages

- (a) **General rule.**—The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:
- (1) A justice, judge or magisterial district judge of this Commonwealth.
 - (2) A former or retired justice, judge or magisterial district judge of this Commonwealth who is serving as a senior judge or senior magisterial district judge as provided or prescribed by law; or not serving as a senior judge or senior magisterial district judge but meets the following criteria:
 - (i) has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for the aggregate period equaling a full term of office;
 - (ii) has not been defeated for reelection or retention;
 - (iii) has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;

- (iv) has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies or by the Judicial Conduct Board;
 - (v) has not been removed from office by the Court of Judicial Discipline; and
 - (vi) is a resident of this Commonwealth.
- (3) An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania.
- (3.1) An active, retired or senior bankruptcy judge of the United States bankruptcy Courts for the Eastern, Middle or Western District of Pennsylvania who is a resident of this Commonwealth.
- (4) An active, retired or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth.
- (5) A mayor of any city or borough of this Commonwealth.
- (5.1) A former mayor of a city or borough of this Commonwealth who:
- (i) has not been defeated for reelection;
 - (ii) has not been convicted of, pleaded nolo contendere to or agree to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to a misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or any one of its possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;
 - (iii) has not resigned the position of mayor to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies;
 - (iv) has served a mayor, whether continuously or not, by election for an aggregate of a full term in office; and
 - (v) is a resident of this Commonwealth.
- (6) a minister, priest or rabbi of any regularly established church or congregation.
- (b) **Religious organizations.**—Every religious society, religious institution or religious organization in this Commonwealth may join persons together in marriage when a least one of the persons is a member of the society, institution or organization, according to the rules and customs of the society, institution or organization.
- (c) **Marriage license needed to officiate.**—No person or religious organization qualified to perform marriages shall officiate at a marriage ceremony without the parties having obtained a marriage license issued under this part.

Effective 01/01/05

Common law marriages is no longer valid in Pennsylvania