

Thursday, December 5, 2019

RE: New State Law – Registration of Clergy to Solemnize a Wedding  
**EFFECTIVE JANUARY 1, 2020**

Dear Clergy Colleagues,

Some of you may be aware that the Delaware General Assembly enacted a law this past year that requires any clergy person who would solemnize a marriage to register with the Clerk of the Peace in the county where he or she resides. (A copy of the law is attached below). This law goes into effect January 1, 2020. When a clergy person registers with the county they will be given a registration number, which number then goes on the marriage license. This means that if you officiate, for example, at a wedding on January 4, 2020, and fill out the marriage license without having registered and obtained a registration number, the marriage license risks being invalid. Further, the law provides that a non-compliant wedding officiant may be subject to civil penalties and/or have their authorization to solemnize further marriages on behalf of the State suspended or revoked.

To wit, the consequences are serious.

Having said all of that, there is significant uncertainty at the moment as to where this law stands. It has created a rather large kerfluffle. It has taken the clergy by surprise; none of the three counties have implemented it; there is no numbering system and no way to register, either on line or in person, in any of the three counties. According to Senator Bryan Townsend, one of the co-sponsors of the bill, there is a significant move afoot to postpone implementation of the law. NCC Clerk of the Peace Ken Boulder is drafting a formal letter to that effect, and is reaching out to his colleagues in Kent and Sussex counties. Such a move appears to be meeting no resistance from the sponsors. In fact, Senator Townsend said in an email that he has spoken with legislative attorneys regarding preparing expedited legislation for January 2020 that would “formally postpone implementation of the new system until a later date, which gives time to examine other potential frameworks.”

However, the Legislature does not come back into session until mid-January, and in the meantime, the law is on the books, scheduled to take effect January 1.

In light of all this uncertainty, here is my suggestion:

If you are planning to officiate at a wedding any time soon, be in touch with the Clerk of the Peace of the county in which YOU reside. This is not the county of your church, if

different, or the county of the couple's residence(s), but your county of residence. I would ask them how to proceed, and if it were me I would get it in writing.

Here is the information for each county:

— New Castle County Clerk of the Peace: Hon. Kenneth W. Boulder Jr. Website: <https://nccde.org/123/Clerk-of-the-Peace>. Phone: 302.395.7780.

— Kent County Clerk of the Peace: Hon. Brenda Wooten. Website: [co.kent.de.us/clerk-ofthe-peace-office/marriage.aspx](http://co.kent.de.us/clerk-ofthe-peace-office/marriage.aspx), Email: [clerk@co.kent.de.us](mailto:clerk@co.kent.de.us), Phone: 302-744-2346.

— Sussex County Clerk of the Peace: Norman A. Jones, Jr. Email Chief Deputy Alisa Masson at [alisa.Mawson@sussexcountyde.gov](mailto:alisa.Mawson@sussexcountyde.gov), website: <https://sussexcountyde.gov/marriage-licenses>. Phone: 302.853.1717.

One final note — this law has generated some conversation around possible legislative action to bifurcate government and faith community action around marriages. That would mean that if someone wanted to get married in Delaware, they would get their marriage license approved by their county's Clerk of the Peace, and the couple who wished to could solemnize the wedding according to each clergy person's traditions, and the clergy person would not register with the state and would not be subject to any state granting of authority. Arguments pro and con. I have been given to understand that this bifurcation does not currently exist in any of the other of our 50 states, although it is the law in France.

Meanwhile, monitoring the website of the appropriate county office might be wise. I will do my best to keep you apprised as this develops. Please feel free to call (302.256.0374) or email me [mkirkpatrick@delaware.church](mailto:mkirkpatrick@delaware.church).

Faithfully,

Martha+

Attachment: [Delaware Marriage Law – Senate Bill No. 67](#)