

## Pop Quiz on Marriage

1. A magistrate can legally perform a marriage anywhere in the state of North Carolina.

True    False

2. A couple who want a civil marriage ceremony—as opposed to a religious ceremony—have no alternative but to be married by a magistrate.

True    False

3. An eight-year-old child may serve as a legal witness in a marriage ceremony.

True    False

4. A magistrate should verify that both parties are of legal age or otherwise meet the legal requirements of eligibility before performing a marriage ceremony.

True    False

5. A magistrate may not accept any money other than the \$50 fee for performing a marriage unless the magistrate has left the office and traveled to the ceremony. In that case, the magistrate may accept reimbursement of expenses.

True    False

6. At the completion of the ceremony the magistrate should provide one copy of the marriage license to the couple and return the other to the Register of Deeds office in the county in which the ceremony was performed.

True    False

7. A marriage license is good for one year.

True    False

## **OUTLINE ON PERFORMING MARRIAGES**

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### **I. Capacity to Marry**

- A. Must be single.
- B. Must be 18 or older or between 16 and 18 with consent of parent or guardian. A 14 or 15 year old female who is pregnant or has a child or a 14 or 15 year old who is father of child or baby not yet born can petition the district court for a judge to authorize that person to marry.
- C. Persons of nearer kin than first cousins cannot marry.
- D. Common law marriages are not recognized.

### **II. Marriage Licenses**

- A. Do not perform ceremony without a valid license.
- B. License may be issued by Register of Deeds of any county in North Carolina.
- C. Marriage ceremony must be conducted within 60 days after license issued.
- D. Must be at least two witnesses to ceremony.
- E. Every magistrate who marries a couple without a valid license or fails to return the license to the Register of Deeds within 10 (ten) days shall forfeit and pay \$200 to any person who sues and shall be guilty of a misdemeanor.

NOTE: There is no specific procedure for “returning” marriage certificates to an out-of-county register of deeds. However, if magistrate mails them by first class mail, that should be sufficient. As an extra precaution, the magistrate might want to make a copy for his or her records with a notation of the date mailed.

### **III. Marriage Ceremony**

- A. Couple must orally consent to take each other as spouses, freely, seriously and plainly.
- B. Must be in the presence of each other and authorized ordained minister or a magistrate.
- C. Officer must declare such persons to be married.
- D. There must be two witnesses to the ceremony; witnesses may be under the age of 18 but must be able to sign their name and to relate and understand what they are observing.

### **IV. Fees and certificates**

- A. A \$50.00 fee is collected by the magistrate for performing marriage ceremony. No other fee may be taken. Can go to the couple’s party, reception.
- B. Fee is to be remitted to the Clerk of Superior Court for use of State in support of General Court of Justice.
- C. The magistrate must fill out and sign both copies of the certificate and return both copies to register of deeds within 10 days. Failure to do so subjects magistrate to \$200 penalty.