



State of Rhode Island and Providence Plantations

Department of State | Business Services

Nellie M. Gorbea, Secretary of State

To: Melissa Husband, Deputy Secretary of State/Director of Administration

From: Maureen Ewing, Director of Business Services *ME*

Date: November 2, 2021

Subject: 100-RICR-30-00-3, One-Day Marriage Officiant Certification

QUESTION/ISSUE SUMMARY/REQUEST

- The final version of the proposed adoption of 100-RICR-30-00-3, One-Day Marriage Officiant Certification, must be signed by the RI Department of State's Agency Head in order to be published as a final rule and made effective.

BRIEF BACKGROUND

- The passage of H5034A and S0014B amended R.I. Gen. Laws § 15-3-5 to create a program administered by the Department of State to allow any person not otherwise empowered to join persons in marriage to apply for the one-time authority to do so. The amended statute grants the Department of State the authority to promulgate regulations to implement this new program.
- Jason Martiesian, Aaron Easter Gardner, Maureen Ewing, and Kristen Cordeiro met via telephone conference with the Governor's team on September 17, 2021 to discuss and agree upon implementation of the One-Day Marriage Officiant Certification program. The parties agreed to the implementation plan.
- The proposed adoption was reviewed and approved by Melissa Husband, Jason Martiesian, Maureen Ewing, Kristen Cordeiro, Aaron Easter Gardner, and several members of the Governor's staff.
- In drafting the regulations, the Business Services team thoroughly considered the aspects of the new program that should be addressed in regulation, including:
 - the structure and detail of the One-Day Marriage Officiant Certificate filing system currently under development by the Dept. of State IT Division;
 - planning for instances wherein an applicant may attempt to skirt the spirit of the new legislation;
 - the appropriate timeframes for applying for or correcting a Certificate Authorizing the Solemnization of Marriage;
 - the applicant information required to award a Certificate Authorizing the Solemnization of Marriage; and
 - terms which must be clearly defined as they relate to the program.
- The proposed adoption was open for public comment from October 1, 2021 to November 1, 2021. A public hearing was also held on October 27, 2021 to accept testimony from any interested parties. No members of the public attended the hearing. See attached memorandum for details.
- During the public comment period, the Department received one comment which was fully in support of the regulation as proposed. The commenter did not suggest any changes. See attached comment for details.
- We have not made any changes between the proposed rule and the final rule we intend to publish to the Rhode Island Code of Regulations.

RECOMMENDED ACTION

- I recommend that Secretary Gorbea digitally sign the final version of 100-RICR-30-00-3, One-Day Marriage Officiant Certification.

IMPORTANT CONSIDERATIONS



State of Rhode Island and Providence Plantations
Department of State | Business Services
Nellie M. Gorbea, Secretary of State

- The regulation must become effective on January 1, 2022 to correspond with the effective date of the new legislation.
- The Rhode Island Code of Regulations is currently being re-written to use a new coding language. The new RICR is scheduled for launch the weekend of November 12, 2021. To avoid adding unnecessary confusion for our Department's Rules Coordinator, we suggest publishing the final rule by November 10, 2021.

PRIORITY STATUS: High

NEXT STEPS

- The final version of 100-RICR-30-00-3 should be digitally signed by Secretary Gorbea as Agency Head and the regulation will be set to take effect as of 1/1/2022.

DISPOSITION

Approve  Disapprove _____ Other _____

Enclosures

1. H5034A
2. S0014B
3. 100-RICR-30-00-3, proposed adoption
4. Public Comments
5. 100-RICR-30-00-3, final rule ready for publication
5. Memorandum re: Public Hearing

2021 -- H 5034 SUBSTITUTE A

LC000598/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES

Introduced By: Representative Katherine S. Kazarian

Date Introduced: January 15, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 15-3-5 of the General Laws in Chapter 15-3 entitled "Solemnization of Marriages" is hereby amended to read as follows:

15-3-5. Officials empowered to join persons in marriage.

Every ordained clergy or elder in good standing; every justice of the supreme court, superior court, family court, workers' compensation court, district court or traffic tribunal; the clerk of the supreme court; every clerk, administrative clerk, or general chief clerk of a superior court, family court, district court, or traffic tribunal; magistrates, special or general magistrates of the superior court, family court, traffic tribunal or district court; administrative clerks of the district court; administrators of the workers' compensation court; every former justice or judge and former administrator of these courts; every former chief clerk of the district court; every former clerk, administrative clerk, or general chief clerk of a superior court; the secretary of the senate; elected clerks of the general assembly; any former secretary of the senate; any former elected clerk of the general assembly who retires after July 1, 2007; judges of the United States appointed pursuant to Article III of the United States Constitution; bankruptcy judges appointed pursuant to Article I of the United States Constitution; and United States magistrate judges appointed pursuant to federal law, may join persons in marriage in any city or town in this state; and every justice and every former justice of the municipal courts of the cities and towns in this state and of the police court of the town of Johnston and the administrator of the Johnston municipal court, while he or she is serving as an administrator, and every probate judge and every former probate judge may join

1 persons in marriage in any city or town in this state, and wardens of the town of New Shoreham
2 may join persons in marriage in New Shoreham. In addition to the foregoing, the governor shall
3 designate, upon application, any person eighteen (18) years or older to solemnize a particular
4 marriage on a particular date and in a particular city or town, and may for cause at any time revoke
5 such designation. In the case of persons so designated by the governor, the secretary of state shall
6 promulgate rules and regulations as may be necessary to implement and carry out the provisions of
7 this section. The secretary of state shall issue a certificate of designation upon payment of twenty-
8 five dollars (\$25.00) for applications delivered by mail, facsimile or hand. All applications
9 submitted electronically shall pay a fee of twenty dollars (\$20.00). Upon payment, a certificate of
10 designation shall be issued within twenty-one (21) days. The certificate shall expire upon
11 completion of the solemnization. The fees collected under this section shall be deposited into the
12 general fund.

13 SECTION 2. This act shall take on January 1, 2022.

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LC000598/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES

1 This act would allow the governor to designate any person, upon application, eighteen (18)
2 year old or older to solemnize a marriage within the state of Rhode Island on a particular day and
3 within a particular city or town. Said authorization would expire upon completion of the marriage
4 or the following day of the scheduled marriage, whichever occurs first. A fee in the amount of
5 twenty-five dollars (\$25.00) would be a prerequisite and would be payable to the secretary of state.
6 This act would take effect on January 1, 2022.

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LC000598/SUB A/2
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2021 -- S 0014 SUBSTITUTE B

LC000596/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO DOMESTIC RELATIONS - SOLEMNIZATION OF MARRIAGES

Introduced By: Senators McCaffrey, and de la Cruz

Date Introduced: January 12, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-3-5 of the General Laws in Chapter 15-3 entitled "Solemnization
2 of Marriages" is hereby amended to read as follows:
3 **15-3-5. Officials empowered to join persons in marriage.**
4 Every ordained clergy or elder in good standing; every justice of the supreme court,
5 superior court, family court, workers' compensation court, district court or traffic tribunal; the clerk
6 of the supreme court; every clerk, administrative clerk, or general chief clerk of a superior court,
7 family court, district court, or traffic tribunal; magistrates, special or general magistrates of the
8 superior court, family court, traffic tribunal or district court; administrative clerks of the district
9 court; administrators of the workers' compensation court; every former justice or judge and former
10 administrator of these courts; every former chief clerk of the district court; every former clerk,
11 administrative clerk, or general chief clerk of a superior court; the secretary of the senate; elected
12 clerks of the general assembly; any former secretary of the senate; any former elected clerk of the
13 general assembly who retires after July 1, 2007; judges of the United States appointed pursuant to
14 Article III of the United States Constitution; bankruptcy judges appointed pursuant to Article I of
15 the United States Constitution; and United States magistrate judges appointed pursuant to federal
16 law, may join persons in marriage in any city or town in this state; and every justice and every
17 former justice of the municipal courts of the cities and towns in this state and of the police court of
18 the town of Johnston and the administrator of the Johnston municipal court, while he or she is
19 serving as an administrator, and every probate judge and every former probate judge may join

1 persons in marriage in any city or town in this state, and wardens of the town of New Shoreham
2 may join persons in marriage in New Shoreham. In addition to the foregoing, the governor shall
3 designate, upon application, any person eighteen (18) years or older to solemnize a particular
4 marriage on a particular date and in a particular city or town, and may for cause at any time revoke
5 such designation. In the case of persons so designated by the governor, the secretary of state shall
6 promulgate rules and regulations as may be necessary to implement and carry out the provisions of
7 this section. The secretary of state shall issue a certificate of designation upon payment of twenty-
8 five dollars (\$25.00) for applications delivered by mail, facsimile or hand. All applications
9 submitted electronically shall pay a fee of twenty dollars (\$20.00). Upon payment, a certificate of
10 designation shall be issued within twenty-one (21) days. The certificate shall expire upon
11 completion of the solemnization. The fees collected under this section shall be deposited into the
12 general fund.

13 SECTION 2. This act shall take on January 1, 2022.

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LC000596/SUB B
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS - SOLEMNIZATION OF MARRIAGES

- 1 This act would allow the governor to designate any person, upon application, eighteen (18)
2 year old or older to solemnize a marriage within the state of Rhode Island on a particular day and
3 within a particular city or town. Said authorization would expire upon completion of the marriage
4 or the following day of the scheduled marriage, whichever occurs first. A fee in the amount of
5 twenty-five dollars (\$25.00) would be a prerequisite and would be payable to the secretary of state.
6 This act would take effect on January 1, 2022.

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LC000596/SUB B
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100-RICR-30-00-3

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 30 – BUSINESS SERVICES

SUBCHAPTER 00 – N/A

PART 3 – One-Day Marriage Officiant Certification

3.1 Authority and Purpose

These Regulations are promulgated pursuant to the authority set forth in R.I. Gen. Laws § 15-3-5 for the purpose of establishing the procedure by which a person may request the authority to solemnize a marriage of two (2) adult persons within the State of Rhode Island on a specific date and in a specific place.

3.2 Definitions

A. For the purposes of this Part, the following words shall have the following meanings:

1. "Applicant" means a person who requests the ability to solemnize a marriage of two (2) adult persons within the State of Rhode Island on a specific date and in a specific place.
2. "Certificate authorizing the solemnization of marriage" means the certificate issued by the Department indicating approval by the Governor of an Applicant's request to be empowered to solemnize a marriage of two (2) adult persons within the State of Rhode Island on a specific date and in a specific place.
3. "Department" means the Rhode Island Department of State.
4. "Parties to be married" means two (2) persons, eighteen (18) years of age or older, who intend to be joined in marriage within the State of Rhode Island and have successfully applied for a marriage license with the appropriate City or Town Clerk.
5. "One-day marriage officiant certification" means the program administered by the Department to issue Certificates Authorizing the Solemnization of Marriage.
6. "Person" means a human being regarded as an individual.
7. "Place" means a city or town within the State of Rhode Island.

3.3 Application Requirements

3.3.1 Application for One-Day Marriage Officiant Certification

- A. An Applicant may only apply for a Certificate Authorizing the Solemnization of Marriage on the form and in the manner prescribed by the Department.
- B. By submitting an application for a Certificate Authorizing the Solemnization of Marriage, an Applicant certifies that:
 - 1. The Applicant is eighteen (18) years of age or older; and
 - 2. The Applicant is not empowered to perform marriages within the State of Rhode Island by any authority other than the Certificate Authorizing the Solemnization of Marriage.
- C. An Applicant must complete all required fields as prescribed on the form issued by the Department.
- D. The full name, address, and date of birth of the Parties to be Married must be entered on the application for a Certificate Authorizing the Solemnization of Marriage exactly as that information appears on the marriage intent application issued by the City or Town Clerk.
- E. An Applicant may not apply for a Certificate Authorizing the Solemnization of Marriage earlier than three (3) months prior to the date the marriage will occur nor later than five (5) business days before the date the marriage will occur.
- F. The Certificate Authorizing the Solemnization of Marriage will expire the calendar day following the date the marriage occurred.

3.3.2 Fees

- A. The application for a Certificate Authorizing the Solemnization of Marriage is considered received by the Department when the appropriate payment accompanying the completed application is received.
- B. The fee for an application for a Certificate Authorizing the Solemnization of Marriage is non-refundable.
- C. An application submitted online must be accompanied by a fee of twenty [dollars](#) (\$20.00) together with the required enhanced access fee.
- D. An application submitted in person or by mail must be accompanied by a fee of twenty-five [dollars](#) (\$25.00).

3.3.3 Correcting the Certificate Authorizing the Solemnization of Marriage

- A. Up to five (5) business days prior to the expiration of an issued Certificate Authorizing the Solemnization of Marriage, an Applicant may request a corrected Certificate Authorizing the Solemnization of Marriage.
- B. There is no fee to request a corrected Certificate Authorizing the Solemnization of Marriage.
- C. The Applicant may request a correction of the following items:
 - 1. Date when the marriage ceremony will be performed;
 - 2. Place where the marriage ceremony will be performed;
 - 3. Addresses of the Applicant or Parties to be Married; and
 - 4. Dates of birth of the Applicant or Parties to be Married.
- D. Except in the case of typographical errors, an Applicant may not request a correction of the name of the Applicant or Parties to be Married.
- E. An Applicant must request the correction using the form and method prescribed by the Department.

3.4 Revocation of Certificate Authorizing the Solemnization of Marriage

The Governor may revoke a Certificate Authorizing the Solemnization of Marriage at any time for cause.

3.5 Severability

If any provision of this Part or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this Part and the application of such provisions to other persons and circumstances shall not be affected thereby.

ONLINE PUBLIC COMMENTS FOR REVIEW

Date: 11/02/2021

Regulation: 100-RICR-30-00-3

Title: One-Day Marriage Officiant Certification

Reviewed Comments

Comment ID: 11474-124

Comment By: James Robinson **On:** 10/26/2021

This comment is currently enabled for public display

Comment:

I support this proposal. This is set up very similar to programs in other states nearby. It seems like an easy way to manage the process as well.

Reviewed by: Zachary Garceau **On:** 10/27/2021

100-RICR-30-00-3

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CHAPTER 30 – BUSINESS SERVICES

SUBCHAPTER 00 – N/A

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State of Rhode Island and Providence Plantations
Department of State | Business Services
Nellie M. Gorbea, *Secretary of State*

To: Nellie M. Gorbea, Secretary of State

From: Kristen Cordeiro, Deputy Director of Business Services

Cc: Maureen Ewing, Director of Business Services; Melissa Husband, Deputy Secretary of State/Director of Administration; Jason Martiesian, Chief of Staff

Date: November 2, 2021

Subject: Public Hearing on 100-RICR-30-00-3, One-Day Marriage Officiant Certification

MEMORANDUM

This memorandum was prepared pursuant to R.I. Gen. Laws § 42-35-2.8.

On October 27, 2021, I served as Hearing Officer during the Department's scheduled public hearing on the proposed adoption of 100-RICR-30-00-3, One-Day Marriage Officiant Certification. Notice of the public hearing was published in the Rhode Island Code of Regulations (RICR) on October 1, 2021. Interested parties were also notified via the RICR Notifications system on that date. An advertisement encouraging members of the public to comment was published to the Business Services section of sos.ri.gov as well.

The public hearing was scheduled for October 27, 2021 at 3:00pm in the State Library. I, as Hearing Officer, and Maureen Ewing, as a representative of the Business Services Division, were in attendance to accept public testimony on the proposed adoption of 100-RICR-30-00-3.

As of 3:16pm on October 27, 2021, no members of the public attended the public hearing. At that time, I closed the hearing. A transcript of the hearing proceedings is attached.

Attachments:

1. Infographic encouraging public comment on the proposed rule
2. Public hearing transcript



Infographic encouraging public comment on the proposed rule
sos.ri.gov/divisions/business-services

Business Services

The Department of State Business Services Division maintains Rhode Island's state business registry. While we record new business formations and ongoing business registration activity, we also provide thoughtful guidance and comprehensive services to those looking to start and maintain a business or non-profit in Rhode Island.

⚠ BUSINESS ALERT: CERTIFICATES OF GOOD STANDING - ALERTA EMPRESARIAL: CERTIFICADOS DE BUEN ESTADO CORPORATIVO

Be wary of any private company sending solicitations or demanding a response to obtain a certificate of good standing on your behalf for an exorbitant fee. If your business requires a certificate of good standing to complete a business transaction, please contact our office directly at 401-222-3040 or order online [here](#).

Desconfíe de cualquier empresa privada que le envíe solicitudes o exija una respuesta para obtener un Certificado de Buen Estado Corporativo a su nombre por una tarifa exorbitante. Si su negocio requiere un Certificado de Buen Estado Corporativo para completar una transacción comercial, por favor comuníquese con nuestra oficina directamente al 401-222-3040 o solicite por internet [aquí](#).

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New proposed rule!
**One-Day Marriage
Officiant Certification Program**
Submit your comments through 11/1/2021.

New proposed rule!



File Online →

Use our electronic filing system to quickly file your corporate documents. Review our [refund policy](#).

Search the Corporate Database →

Search active and inactive businesses registered with the RI Department of State. Our [Search Guide](#) provides helpful hints to make your search easier.

[Learn more](#) about the information held by our office.

100-RICR-30-00-3
One-Day Marriage Officiant Certification
Proposed Adoption
Public Hearing Transcript

[Hearing commences at 3:15pm]

HEARING OFFICER CORDEIRO:

We are here today to conduct a public hearing concerning the proposed adoption of 100-RICR-30-00-3, One-Day Marriage Officiant Certification. This hearing is being conducted under the provisions of Rhode Island General Laws § 15-3-5 and § 42-35-2.8. Today is Wednesday, October 27, 2021. The time is 3:15pm. My name is Kristen Cordeiro, Deputy Director of Business Services with the RI Department of State, and I will be the Hearing Officer for today's proceedings.

Today's public hearing on this proposed adoption was scheduled to begin at 3:00pm. It is currently 3:15pm. We have waited the additional fifteen minutes to allow for late arrivals. At the current moment, no members of the public have presented themselves to provide testimony at this public hearing. This hearing is now closed.

[Hearing closes at 3:16pm]