

Delaware (Sussex County) Wedding Officiant Information

Who can perform weddings in Sussex County Delaware?

Pursuant to Title 13 of the Delaware Code, Section 106, the following can officiate weddings in Sussex County, Delaware:

§ 106 Solemnization of marriages; production of license; penalty; registration of persons authorized to solemnize marriages.

(a) A clergyperson or minister of any religion, current and former Judges of this State's Supreme Court, Superior Court, Family Court, Court of Chancery, Court of Common Pleas, Justice of the Peace Court, federal Judges, federal Magistrates, clerks of the peace of various counties and current and former judges from other jurisdictions with written authorization by the clerk of the peace from the county in Delaware where the ceremony is to be performed may solemnize marriages between persons who may lawfully enter into the matrimonial relation. The Clerk of the Peace in each county for good cause being shown may:

(1) Allow by written permit within that Clerk's respective county, any duly sworn member of another state's judiciary, to solemnize marriages in the State between persons who may lawfully enter into the matrimonial relation.

(2) Allow by written permit within that Clerk's respective county, the Clerk of the Peace from another county within the State to solemnize marriages in the State between persons who may lawfully enter into the matrimonial relation.

Within the limits of any incorporated municipality, the Mayor thereof may solemnize marriages between persons who may lawfully enter into matrimonial relation. Marriages shall be solemnized in the presence of at least 2 reputable witnesses who shall sign the certificate of marriage as prescribed by this chapter. Marriages may also be solemnized or contracted according to the forms and usages of any religious society. No marriage shall be solemnized or contracted without the production of a license issued pursuant to this chapter.

(b) For purposes of this section, the words "resident of this State" shall include the son or daughter of a person who has been domiciled within the State for 1 year or more, notwithstanding the actual place of residence of the son or daughter immediately prior to the date of the marriage.

(c) In the case of absence or disability of the duly elected Clerk of the Peace, the chief deputy or, if there is no chief deputy, a deputy employed in the office of the Clerk of the Peace, shall be authorized to solemnize marriages.

(d) Whoever, not being authorized by this section, solemnizes a marriage, shall be fined \$100, and in default of the payment of such fine shall be imprisoned not more than 30 days, and such marriage shall be void, unless it is in other respects lawful and is consummated with the full belief of either of the parties in its validity.

(e) Other than as provided in this subsection, nothing in this section shall be construed to require any person (including any clergyperson or minister of any religion) authorized to solemnize a marriage to solemnize any marriage, and no such authorized person who fails or refuses for any reason to solemnize a marriage shall be subject to any fine or other penalty for such failure or refusal. Notwithstanding the preceding sentence, a clerk of the peace who issues a marriage license, or a deputy thereof, shall be required to perform a solemnization of such marriage if requested by the applicants for such license.

If you need written approval, send a request to:

Norman A. Jones, Jr.
Clerk of the Peace
Sussex County Marriage Bureau
P.O. Box 29
Georgetown, DE 19947

Or via email to alisa.mawson@sussexcountyde.gov.

If this is the first wedding officiated by a minister or clergy in Sussex County, please include a copy of the credentials.

It is important to return the license timely. See Title 13 Delaware Code 118.

§ 118 Failure to return certificate of marriage to clerk of the peace for recording; penalty.

(a) Any person officiating a marriage in this State who fails to return the certificate of marriage to the issuing clerk of the peace for recording within 15

days of the marriage ceremony shall be assessed a \$50 late fee by the issuing clerk of the peace.

(b) Any person with an unpaid civil penalty assessed by a clerk of the peace shall have that person's authorization to solemnize marriages in the State suspended until such penalty is paid in full.

If you need any other information, please don't hesitate to call us at (302) 853-1717.

For information on filling out the marriage license, please see [Filling Out Marriage Licenses: https://sussexcountyde.gov/filling-out-marriage-licenses](https://sussexcountyde.gov/filling-out-marriage-licenses)