

WEDDINGS

Q: Who may perform weddings?

A: In Iowa, marriages are treated as matters of contract and the methods in which these contracts may be solemnized are regulated by civil law. Only judges of the Iowa state courts and persons “ordained or designated as leaders of their religious faith” may perform marriage ceremonies. All UCC authorized ministers are considered “leaders of their religious faith” for purposes of this requirement. No special license, permit or registration is required.

Q: Who may get married?

A: Iowa law allows anyone 18 or older to get married. Persons who are 16 or 17 may be married with parental consent and judicial approval.

- The Iowa Code provides that only marriages between a man and a woman are valid [Iowa Code § 595.2(1)]; but this requirement has been ruled unconstitutional by the Iowa Supreme Court.

Q: What are the steps that must be followed for a valid wedding?

A: **Step One: Get the license.** This is the responsibility of the couple wanting to get married. If they do not get a license, an official marriage ceremony cannot be performed. To get a license, the couple must file an application with the County Registrar. In most, if not all, Iowa counties, the Registrar is the County Recorder. If the application is sufficient, the Registrar will issue a marriage license. Except in certain emergencies, the license does not become effective until three days after it is issued. At the time the license is issued, the Registrar also issues a blank “return” for the wedding. This return is called the certificate of marriage.

Step Two: Perform the ceremony. There are no particular words or forms that must be followed for the ceremony itself. Iowa law is concerned only with ensuring that the ceremony is properly documented and recorded.

Step Three: Complete and file the paperwork. After the ceremony has been performed, the certificate of marriage must be filled out and it must be signed by the minister performing the ceremony and by the witnesses. This certificate must be filed with the Registrar who issued the license within 15 days after the wedding is performed. It may be filed by anyone, but it is the responsibility of the minister who performed the wedding to see that the filing takes place in a timely manner.

Q: What happens if the proper forms and procedures are not followed?

A: Iowa has a quirky “savings” statute that apparently validates marriages even if all the formal requirements are not followed—as long as the couple consents and all concerned pay the required fines. Iowa Code §595.11 says:

Marriages solemnized, with the consent of parties, in any manner other than that prescribed in this chapter, are valid; but the parties, and all persons aiding or abetting them, shall pay to the treasurer of state for deposit in the general fund of the state the sum of fifty dollars each; but this shall not apply to the person

conducting the marriage ceremony, if within fifteen days after the ceremony is conducted, the person makes the required return to the county registrar.