

South Dakota Marriage Officiant Guide

Officiants: Per South Dakota Statute 25-1-30, “Marriage may be solemnized by a justice of the Supreme Court, a judge of the circuit court, a magistrate, a mayor, either within or without the corporate limits of the municipality from which the mayor was elected, or any person authorized by a church to solemnize marriages,” whether or not he or she resides in the state. No registration within the state is required, but Officiants must present a copy of their true and valid ordination document(s) to any legal authority and/or the parties to the marriage upon their request. Officiants must also keep and maintain a record book of all marriage ceremonies they perform.



Solemnization of Marriage: The marriage must be solemnized within twenty days from the issuance date of the marriage license or the license becomes void. It is illegal to solemnize an expired marriage license.

Once the couple is married, the individual who solemnizes the marriage must return the license to the Register of Deeds within ten days; if not, there will be no legal record of the marriage. Officiants must also provide the bride and groom with marriage certificates upon request. *See SDCL 25-1 for specific statutes.*

MARRIAGE LICENSE INFORMATION

Much of the information below is state law in South Dakota; however, this information can vary from county to county, and is subject to change. We recommend contacting your county clerk's office before applying for your marriage license.

ID Requirement: Driver's license or a certified copy of your birth certificate.

Residency Requirement: Residency in South Dakota is not required to obtain a marriage license.

If previously married: Proof of divorce may be required.

Application Requirement: Both parties to the marriage *must appear in person* at a Register of Deeds Office in any South Dakota county to obtain their marriage license.

Proxy Marriages: Not permitted. Both parties must be present at the ceremony.

Fees: \$40. (Some offices accept only cash or travelers checks.)

Waiting Period: No waiting period required.

Blood Tests: No blood test or physical exam is required.

Under Age 18: Applicants ages 16 and 17 must have parental consent. South Dakota law does not permit marriage of anyone under 16 years of age.

Common Law Marriage: Not permitted.

Cousin Marriage: Not permitted.

Same-Gender Marriage: Permitted, following U.S. Supreme Court decision of 26 June 2015.

Valid: A South Dakota marriage license is valid for 20 days; it must be solemnized prior to the expiration date. The marriage license can only be used (solemnized) within the State of South Dakota.

For additional information, please visit FirstNationMinistry.org

The above information is believed to be correct, but does not purport to be legal advice, is not all-inclusive and shall be used only as a guide. Under the terms specified in your ordination, you are solely responsible for becoming familiar with and complying to all current laws and regulations in effect within the jurisdiction in which you will conduct ceremonies.