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Certification and Return of the License

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Certification and Return of the License

Reference Number: CTAS-434

The county clerk is required to place on each license the following form of certificate, to be signed by the person solemnizing the marriage:

"I solemnized the rite of matrimony between the above (or within) named parties on the ____ day of _____, 20__." T.C.A. § 36-3-304.

Sample marriage license with the required certificate.

The authorized officiant who performs the marriage ceremony is required to endorse on the license the fact and time of the marriage, and sign his or her name thereto, and return the license to the county clerk within three (3) days from the date of the marriage. Failure to return the license as required is a misdemeanor. T.C.A. § 36-3-303. The Certificate of Marriage required by the Tennessee Department of Health, Office of Vital Records, also must be completed and returned to the county clerk within this three-day time frame. T.C.A. § 68-3-401. In the case of marriages solemnized among the Religious Society of Friends (Quakers), the functions, duties and liabilities of the party solemnizing marriages are incumbent upon the clerk of the congregation, or in the clerk's absence, the clerk's duly designated alternate. T.C.A. § 36-3-303.

A county clerk has no authority to require proof that an officiant is a "regular minister of the gospel" or other authorized person who meets the criteria of T.C.A. § 36-3-301, and must presume that the marriage is valid. Op. Tenn. Att'y Gen. 87-151 (9/17/87).

Failure of an officiant to return the marriage license to the issuing clerk within three days after the ceremony as required by the statute does not invalidate the marriage. *Aghili v. Saadatnejadi*, 958 S.W.2d 784 (Tenn. Ct. App. 1997).

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