

STATE OF NEW YORK

1779

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to solemnization of marriages by a civil celebrant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 11 of the domestic relation law,
2 as amended by chapter 95 of the laws of 2011, is amended and a new
3 subdivision 1-b is added to read as follows:

4 1. A clergyman or minister of any religion, a civil celebrant who is
5 certified by the secretary of state to solemnize marriages as set forth
6 in subdivision one-b of this section, or by the senior leader, or any of
7 the other leaders, of The Society for Ethical Culture in the city of New
8 York, having its principal office in the borough of Manhattan, or by the
9 leader of The Brooklyn Society for Ethical Culture, having its principal
10 office in the borough of Brooklyn of the city of New York, or of the
11 Westchester Ethical Society, having its principal office in Westchester
12 county, or of the Ethical Culture Society of Long Island, having its
13 principal office in Nassau county, or of the Riverdale-Yonkers Ethical
14 Society having its principal office in Bronx county, or by the leader of
15 any other Ethical Culture Society affiliated with the American Ethical
16 Union; provided that no clergyman or minister as defined in section two
17 of the religious corporations law, or Society for Ethical Culture leader
18 shall be required to solemnize any marriage when acting in his or her
19 capacity under this subdivision.

20 1-b. A civil celebrant shall be authorized to solemnize marriages if
21 certified to do so by the secretary of state.

22 (a) A civil celebrant shall receive a certification from the secretary
23 of state to solemnize marriages if the celebrant:

24 (1) is at least eighteen years of age and has graduated from a second-
25 ary school in the United States;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (2) has completed a civil celebrant course offered by a non-denomina-
2 tional or educational charitable organization that is registered with
3 the state and which course:

4 (i) includes classes that meet weekly or with more frequency, either
5 administered in person or by other means, over a period of not less than
6 six months; and

7 (ii) educates on topics including, but not limited to, celebrant
8 philosophy and history, ceremonial structure, and ceremonial presenta-
9 tions; and

10 (3)(i) submits a completed application form, developed by the secre-
11 tary of state pursuant to regulation, which includes the name and
12 address of the celebrant-applicant along with any other relevant infor-
13 mation on the celebrant-applicant required by the secretary of state,
14 and supporting documentation with respect to all certification require-
15 ments set forth in this subdivision; and

16 (ii) pays to the department of state, at the time of submitting the
17 completed application, a fee of not less than fifty dollars or more than
18 seventy-five dollars, as determined by the secretary of state by regu-
19 lation, to cover costs for processing applications, producing and issu-
20 ing certificates, and maintaining records on applications and certif-
21 icates issued or denied.

22 (b)(1) A celebrant-applicant shall not be authorized to solemnize
23 marriages until the application for certification is approved and the
24 certificate received from the secretary of state.

25 (2) A civil celebrant who has received a certification from the secre-
26 tary of state may have that certification revoked, through a hearing
27 before an administrative law judge, if the secretary of state determines
28 that any information provided in the celebrant's application was inaccu-
29 rate or otherwise did not comply with the certification requirements set
30 forth in this subdivision. A civil celebrant subject to a revocation
31 hearing before an administrative law judge or any appeal thereof shall
32 not be authorized to solemnize marriages and shall only again be author-
33 ized to do so if a final determination is made permitting the civil
34 celebrant to retain the certification.

35 § 2. This act shall take effect immediately.