

STATE

SECRETARY OF STATE

Civil Celebrant Certification

Proposed New Rules: N.J.A.C. 15:4

Authorized By: Kim Guadagno, Lieutenant Governor and Secretary of State,
Department of State.

Authority: N.J.S.A. 37:1-13.

Calendar Reference: See Summary below for explanation of exception to calendar
requirement.

Proposal Number: PRN 2014-066.

Submit written comments by July 18, 2014, to:

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The agency proposal follows:

Summary

The New Jersey Department of State (Department), pursuant to N.J.S.A. 37:1-13, proposes N.J.A.C. 15:4 to set forth a process by which the Department may authorize a qualified civil celebrant to solemnize marriages or civil unions.

In January 2014, Governor Christie signed legislation adding “civil celebrant[s] who [are] certified by the Secretary of State to solemnize marriages or civil unions” to the list of individuals that are statutorily empowered to solemnize marriages or civil unions. This proposed chapter implements that recently enacted legislation and provides for a process through which the Department may authorize qualified civil celebrants to solemnize marriages or civil unions.

The proposed new rules are summarized below:

N.J.A.C. 15:4-1.1 provides the purpose of the rules established in this subchapter.

N.J.A.C. 15:4-1.2 sets forth the criteria an applicant for certification as a civil celebrant must satisfy, as well as the process by which an application is filed with the Department.

N.J.A.C. 15:4-1.3 establishes the amount of the fee that must be remitted to the Department by an applicant.

N.J.A.C. 15:4-1.4 provides that an applicant for certification as a civil celebrant is not authorized to solemnize marriages or civil unions until the application has been approved and the certificate received from the Department.

N.J.A.C. 15:4-1.5 sets forth the procedure pursuant to which the Department may revoke a certification, when the Secretary determines that information provided on the

application was inaccurate or otherwise did not comply with the requirements of this subchapter.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules will have a positive social impact. The rules will implement the Legislature's intent by expanding the population of individuals who may appropriately solemnize marriages or civil unions to qualified civil celebrants who are issued a certificate by the Department, thereby allowing greater flexibility to couples seeking to have their marriages or civil unions solemnized in New Jersey. A qualified civil celebrant must meet the enumerated statutory and regulatory criteria including being at least 18 years old, having graduated from a secondary school, having completed a civil celebrant course offered by a non-denominational or educational charitable organization that is registered with the State under the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq., and that such courses meet enumerated criteria.

Economic Impact

The proposed new rules may positively impact business in the State in two ways. First, by expanding the list of individuals authorized to solemnize marriages and civil unions, the recently enacted legislation, as well as this chapter, will provide couples with greater flexibility with respect to who may solemnize their marriages or civil unions, thereby facilitating and potentially encouraging more couples to choose New Jersey as

a venue for their ceremonies and receptions. Second, the expansion of the list of individuals authorized to solemnize marriages and civil unions may provide some individuals with greater opportunities to earn income. The chapter also requires a filing fee for the application, as required by the enabling statute.

Federal Standards Statement

There are no Federal standards or requirements applicable to the proposed new rules. As a result, a Federal standards analysis is not required.

Jobs Impact

The proposed new rules may positively impact jobs and job growth in the State. As discussed in the Economic Impact statement above, the recently enacted legislation and this chapter may facilitate more couples to choose New Jersey as the venue of their ceremonies and receptions, thereby positively impacting that industry, and may also provide an income stream to certified civil celebrants.

Agriculture Industry Impact

The proposed new rules are unlikely to have an appreciable impact on the agricultural industry.

Regulatory Flexibility Statement

The proposed new rules will not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules apply to individuals seeking to be certified to solemnize marriages or civil unions.

Housing Affordability Impact Analysis

The proposed new rules will not evoke a significant change in the average costs associated with housing. The basis for this finding is that the proposed new rules address a system of authorizing civil celebrants to solemnize marriages or civil unions. The proposed new rules do not address housing affordability.

Smart Growth Development Impact Analysis

The proposed new rules will not evoke a significant change on housing production and there is an extreme unlikelihood that the proposed new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey. The basis for this finding is that the proposed new rules address a system of authorizing civil celebrants to solemnize marriages or civil unions. The proposed new rules do not address housing production.

Full text of the proposed new rules follows:

CHAPTER 4

CIVIL CELEBRANT CERTIFICATION

SUBCHAPTER 1. CIVIL CELEBRANT CERTIFICATION

15:4-1.1 Purpose

The rules in this subchapter implement the provisions of P.L. 2013, c. 243, which amended N.J.S.A. 37:1-13, dealing with those persons authorized to solemnize marriages and civil unions. N.J.S.A. 37:1-13, as amended, permits any civil celebrant

who meets the law's criteria, and who is certified by the Department of State, to solemnize marriages and civil unions.

15:4-1.2 Certification criteria; application process

(a) In order to be certified as a civil celebrant, an applicant must submit to the Department of State a completed application for certification, on a form provided by the Department, which includes the following:

1. The applicant's name and address;
2. Affirmation that the applicant is 18 years of age and has graduated from a secondary school in New Jersey or another state;
3. Affirmation that the applicant has completed a civil celebrant course that:
 - i. Included classes that met weekly or with more frequency, either administered in person or by other means over a period of not less than six months; and
 - ii. Educated the applicant on topics including celebrant philosophy and history, ceremonial structure, and ceremonial presentations;
4. The name of the non-denominational or educational charitable organization at which the applicant took the civil celebrant course, and its registration number demonstrating that such organization is registered with the State under the Charitable Registration and Investigation Act, P.L. 1994, c. 16 (N.J.S.A. 45:17A-18 et seq.); and
5. The applicant shall attach to the application form a copy of a transcript or other documentation from the non-denominational or educational charitable organization, demonstrating successful completion of the civil celebrant course.

15:4-1.3 Fee

The applicant shall remit a fee of \$55.00 to the Department of State at the time of filing of the application for certification.

15:4-1.4 Authorization date

An applicant for certification shall not be authorized to solemnize marriages or civil unions until the application for certification has been approved and the certificate received from the Department of State.

15:4-1.5 Revocation of certification

A civil celebrant who has received a certification from the Department of State may have that certification revoked, through a hearing at the Office of Administrative Law, pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., before an administrative law judge, if the Department determines that any information provided in the celebrant's application was inaccurate or otherwise did not comply with the certification requirements set forth in this subchapter. A civil celebrant subject to a revocation hearing before an administrative law judge, or any appeal thereof, shall not be authorized to solemnize marriages or civil unions, and shall only again be authorized to do so if a final determination is made permitting the civil celebrant to retain the certification.