



VITAL RECORDS GUIDANCE FOR TOWN CLERKS

MARRIAGE LICENSES AND REGISTRATION OF CERTIFICATES

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MARRIAGE LICENSES AND REGISTRATION OF CERTIFICATES

The marriage licensing procedure starts at the town clerk's office. A couple may present in your office unaware of the procedure or laws governing Vermont marriages. Before you prepare the marriage license, you should advise the couple of the State of Vermont's legal requirements for obtaining the license and filing their certificate of marriage. *Getting Married in Vermont* is a brief summary of the laws regarding marriage in Vermont and may be provided to the couple for review prior to issuance of the marriage license.

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FOR INFORMATION ON PRINTING CERTIFIED AND NONCERTIFIED COPIES OF MARRIAGE CERTIFICATES, PLEASE REFER TO THE VITAL RECORDS GUIDANCE FOR TOWN CLERKS - GENERAL INSTRUCTIONS MANUAL*.

***The General Instructions Manual, as well as forms referenced in this document can be found online:**

<https://www.healthvermont.gov/stats/vital-records/information-town-and-city-clerks>

I. LIST OF MARRIAGE LAWS

18 V.S.A. Health

- § 5007. Preservation of Records
- § 5008. Town clerk; recording and indexing procedures
- § 5009. Certified copies to town of residence
- § 5010. Transmittal of Marriage Certificates
- § 5011. Penalty for failing to transmit copies
- § 5012. Town clerk to provide general index; marriages and civil unions
- § 5131. Issuance of civil marriage license; solemnization; return of civil marriage certificate; registration.
- § 5132. Civil marriage license; participants in address confidentiality program (Safe at Home)
- § 5137. Issuance of license
- § 5139. Clerk's duties; penalty
- § 5140. Penalty for misrepresentation
- § 5141. Confirmation of legal qualifications of parties; penalty
- § 5142. Persons not authorized to marry
- § 5144. Persons authorized to solemnize marriage
- § 5144a. Temporary officiant for marriages
- § 5145. Civil marriage license required for solemnization
- § 5146. Penalty for solemnization without license or failure to return
- § 5147. Solemnization by unauthorized person; penalty; validity of marriage
- § 5148. Evidence of marriage
- § 5150. Correction of civil marriage certificate
- § 5151. Delayed certificates of civil marriage

15 V.S.A. Domestic Relations

- § 1a. Person forbidden to marry a relative
- § 3. Bar though civil marriage dissolved
- § 4. Civil marriage contracted while one in force
- § 7. Affirmance of civil marriage by decree of court
- § 8. Marriage definition

II. QUICK REFERENCE GUIDE:

- A Vermont marriage license can be obtained from any Vermont town clerk; there's no longer a requirement for Vermont residents to go to their local clerk's office.
- Both applicants must sign the completed **Application for Vermont License of Civil Marriage**, and in doing so they are certifying to the accuracy of the information provided and that they are free to marry under the laws of Vermont.
- At least one applicant must sign the marriage license in the presence of the town clerk. Before the civil marriage takes place, both applicants' signatures must be completed on the document.
- The Town Clerk must retain a copy of the license and application until the marriage certificate is returned by the solemnizer and registered by the clerk.
- A marriage license is valid for 60 days from date of issue.
 - Refer to Marriage Date Table (provided by VDH) to determine date of expiration based on date of issue.
- Parties to a Vermont Civil Union may elect to dissolve their civil union upon marrying one another, though they are not required to do so to form a civil marriage.
 - Both parties must sign Items 19a and 22a for the civil union to be dissolved upon civil marriage.
- Remove the Confidential section from the civil marriage license prior to giving the license to the couple. Retain this along with the application.
- Advise the couple that the officiant must return the completed marriage license to the issuing town clerk within 10 days of the date of the marriage.
 - Certificates should be returned in good condition and should not be folded. This will be a legal document, filed at the town office, from which certified copies will be made.
 - It is suggested that the town clerk provide a large, self-addressed envelope for the return mailing.
 - We recommend you include a copy of "Guidelines for Officiants" for the couple to give to their officiant.
- The Civil Marriage License becomes a Civil Marriage Certificate after the officiant has solemnized the marriage and completed and signed the officiant section.
- Upon receipt of the completed marriage certificate, review to confirm all items are completed and accurate.
 - If the license was not issued in your town, send it to the issuing town to be registered.
 - Officiant section must be completed in its entirety, including title of officiant.
 - Consult your town attorney if you question whether the Officiant is authorized to perform marriages in Vermont.
 - Ceremony must have occurred in Vermont within the valid dates specified in Item 15d. If either of these items are invalid, notify the couple, and do not register the certificate.
 - Item 16b must distinguish between City or Town, if applicable (i.e. Barre City, Barre Town).
- After registering the civil marriage certificate, prepare a photo copy on official white copy paper (4-hole, 8 ½ x 8), certify the copy by completing 18a-18c, and mail the unfolded copy, along with the confidential section, to the Vital Records Office.
 - The town clerk of each town must transmit **weekly** to the Vital Records Office copies of each marriage certificate filed in the town in the preceding week.
 - Prepare and mail a copy to the town clerk(s) in the Vermont town(s) of residence of Party A and Party B. Never send a copy to an out-of-state town.

- When making certified copies of marriage certificates, information pertaining to each engraved paper sheet used must be entered into the Vital Records Issuance Management System (VRIMS). This required tracking includes any voided engraved paper. See separate procedures for use of VRIMS.

III. HOW TO COMPLETE THE CIVIL MARRIAGE LICENSE: LINE BY LINE INSTRUCTIONS

A. PARTY A AND PARTY B SECTIONS

Legal Name – Items 1a/7a

This is the applicant's full legal name at the time he/she applies for the marriage license.

Never abbreviate a name such as Robert (Robt.) or William (Wm.), and never use nicknames (Beth instead of Elizabeth, or Bob instead of Robert). Confirm with the applicant that they've given you their legal name.

Last Name at Birth (Maiden Surname) – Items 1b/7b

If the applicant has been married before, he/she may still use his/her married name. If the last name at birth is different than the name he/she uses now, the last name at birth (as given on his/her birth certificate) should be entered here.

Do not put dashes through or leave this item blank. Even if the last name at birth and the legal last name are the same, enter this in 1b and/or 8b.

NOTE: If the applicant was adopted, then enter his/her adopted last name as it appears on their current birth certificate.

Date of Birth – Items 2/8

The month of birth should be spelled out, and the year should be entered as four-digits, (i.e. September 15, 1983, not 9/15/83).

Birthplace – Items 3/9

This is the U.S. state or foreign country where the applicant was born. If the applicant does not know his/her place of birth, enter "U.S.-unknown" or "Foreign-unknown", or if no information is available enter "Unknown". Do not leave this item blank. Do not include city, town, province or zip code.

Residence Address (Number and Street) – Items 4a/10a

This is the physical location of the applicant's residence. This may not be the same as the mailing address. Do not enter post office boxes or rural route numbers. Enter the building number and the street name only.

NOTE: If an applicant is a participant in Safe at Home address confidentiality program, **do NOT enter the applicant's street address or town of residence on the license.** Refer to 18 V.S.A. § 5132 and <https://sos.vermont.gov/secretary-of-state-services/safe-at-home/> for more information.

City or Town of Residence – Items 4b/10b

This is the city or town in which the applicant physically resides, *not* the city or town where the applicant receives their mail.

For municipalities that have a city and town, please specify (i.e. Barre City, Barre Town). Do not include a state, province, country or zip code for this item.

State of Residence – Items 4c/10c

This is the U.S. state or territory in which the applicant physically resides. If actual residence is outside the U.S., enter the state or Canadian province, if known. If province is unknown, enter “unknown”. Do not include a city, town, country or zip code for this item.

Country of Residence – Items 4d/10d

Enter the country in which the applicant physically resides. Please enter “United States” (not U.S.) if appropriate.

Father’s or Parent’s Name – Items 5a/11a

This item has been labeled as such to accommodate circumstances where the applicant may have parents of the same sex. If the applicant has a father and a mother, enter the applicant’s *father’s* full name here. If the applicant has same sex parents, enter the name of either parent here.

Be sure that the last name entered here is the father’s/parent’s last name at birth (as given on the birth certificate) which may be different from a married name currently used.

Enter the name of the father or parent even if he/she is deceased.

If the applicant is adopted, enter the name of his/her adoptive father/parent, even if the natural father is known.

If the applicant does not know the name of his/her father or parent or chooses not to have this information reflected on their certificate, leave these fields blank.

Father’s or Parent’s Birthplace – Items 5b/11b

Enter the U.S. state, U.S. territory, or the foreign country in which the applicant’s father or parent was born. If the applicant does not know this, enter "U.S.-unknown" or “Foreign-unknown”, or if no information is available enter “unknown”. If you have not entered a father’s or parent’s name, leave these fields blank.

Mother’s or Parent’s Name – Items 6a/12a

This item has been labeled as such to accommodate circumstances where the applicant may have parents of the same sex. If the applicant has a father and a mother, enter the applicant’s *mother’s* full name here. If the applicant has same sex parents, enter the name of either parent here.

Be sure that the last name entered here is the mother's/parent's last name at birth (as given on the birth certificate) which may be different from a married name currently used.

Enter the name of the mother or parent even if he/she is deceased.

If the applicant is adopted, enter the name of his/her adoptive mother/parent, even if the natural mother is known.

If the applicant does not know the name of his/her mother or parent or chooses not to have this information reflected on their certificate, leave these fields blank.

Mother's or Parent's Birthplace – Items 6b/12b

Enter the U.S. state, U.S. territory, or the foreign country in which the applicant's mother or parent was born. If the applicant does not know this, enter "U.S.-unknown" or "Foreign-unknown", or if no information is available enter "unknown". If you have not entered a mother's or parent's name, leave these fields blank.

B. “FREE TO MARRY” STATEMENT

Signature of Applicant – Items 13a/14a

At least one applicant must sign in person to attest to the fact that he/she is free to marry by the laws of Vermont, and that the information he/she has provided is true. Both applicants must sign prior to the ceremony.

Date Signed by Applicant – Items 13b/14b

At least one applicant must enter the date he/she signed the marriage license. Both applicants must sign and date prior to the ceremony.

C. CONFIRMATION SECTION

In this section you confirm that the couple has certified the accuracy of the information and complied with the marriage laws in Vermont.

Date on Which License was Issued – Item 15a

This will be the same date the applicant(s) sign the “free to marry” statement in the applicant section.

Town Clerk Signature – Item 15b

You sign this item to confirm that the couple meets the requirements for being married in Vermont and certified to the accuracy of the information provided.

Town or City Where License was Issued – Item 15c

Name the city or town where you are clerk.

NOTE: For municipalities that have a city and town, please specify (i.e. Barre City, Barre Town).

Date License is Valid From...To – Item 15d

The license is valid on the date issued and is valid for 60 days from that date. To determine the date of expiration, refer to *Marriage Date Table*. An authorized person must perform the ceremony within that period – otherwise, the license is void.

D. OFFICIANT SECTION

This section is prepared by the Officiant and should **NOT** be completed by town clerks. *Completing the Civil Marriage Certificate, Guidelines for Officiants* (provided by VDH) is a handout provided by the Vital Records Office and is available for Officiants to help them properly prepare the officiant section. A copy of this document should be given to the couple when you issue the civil marriage license.

E. REGISTRATION SECTION

This section will be completed upon receipt and review of the returned civil marriage certificate. Please see sections IV. and V. below.

F. CONFIDENTIAL INFORMATION SECTION

Applicant's Legal Name – Items 19/22

Enter the applicant's full legal name as entered in Items 1a and 7a.

Statement to Dissolve Civil Union – Items 19a/22a

If the couple is currently joined to each other in a Vermont certified civil union and they wish to dissolve their civil union upon solemnization of this marriage, both applicants must sign this item.

Total Number of Marriages and Civil Unions – Items 20/23

Items 20 and 23 should include a count of all previous marriages or civil unions **in addition** to the *current* marriage for which this couple has been issued a license from your office. If the applicant is marrying his/her current civil union partner, do not count this marriage. A previous civil union or marriage to another person would be counted.

NOTE: This item should **never be zero** and should never be left blank.

How Last Marriage or Civil Union Ended – Items 21a/24a

This item needs to be completed if the applicant was previously married or in a civil union.

NOTE: If the applicant is marrying his/her current civil union partner, check the response indicating that the “Civil union did not end....”

Date Last Marriage or Civil Union Ended – Items 21b/24b

This item needs to be completed if the applicant was previously married or in a civil union, regardless of whether the marriage or civil union ended by death, annulment or divorce/dissolution. The month spelled out or abbreviated, and the four-year digit year should be entered in the spaces provided.

NOTE: If the applicant is marrying his/her current civil union partner and he/she has no

previous civil unions or marriages, then this item is not applicable and should be left blank.

IV. RECEIPT OF A COMPLETED MARRIAGE CERTIFICATE

- A. When you receive the completed Certificate of Civil Marriage, review the certificate using the following checklist:

1. **Town or City of Issuance – Item 15c**

Check to be sure the license was issued in your town. If not, send it to the issuing town.

2. **Date of Marriage – Item 16a**

- a. The marriage must occur between the dates specified in Item 17d or the license is void. Contact the couple to let them know that the marriage certificate cannot be filed if the ceremony occurred outside of the valid dates.
- b. The month should be spelled out or abbreviated (i.e. August or Aug). If the Officiant uses a number for the month, the Vital Records Office suggests providing him/her a copy of *Completing the Civil Marriage Certificate, Guidelines for Officiants* and highlighting the item that was completed incorrectly for assistance in completing future certificates correctly.

3. **City/Town of Marriage – Item 16b**

- a. This item is the city or town where the marriage occurred and should not specify the name of the church, etc. For municipalities that have a city or town, please be sure the Officiant has distinguished between city and town (i.e. Barre City, Barre Town).
- b. The ceremony **must be performed in Vermont**. If the ceremony was performed in another state, the marriage is void. Do **NOT** accept the certificate and contact the couple to let them know the marriage certificate cannot be filed.

4. **Officiant Signature – Item 16c**

The Officiant signs this item to certify that the marriage occurred and the date of the marriage.

- a. If the Officiant signature is missing, contact the Officiant to obtain the signature before registering the record.
- b. Consult with your town attorney if you question whether an Officiant is authorized to perform marriages in the State of Vermont.

5. **Title (of Person Performing Ceremony) – Item 16d**

The Officiant should have typed or printed a title such as Priest, Minister, Rabbi, Justice of the Peace, Temporary Officiant, etc. “Officiant” or other general titles such as “Mr.”, “Mrs.”,

“Uncle”, or “Friend” does not describe the Officiant’s official title as authorized to perform the ceremony and should not be used.

If the Officiant indicated that he/she was a “Temporary Officiant”, then he/she should have attached to the civil marriage certificate a copy of the proof of authority document issued by the Secretary of State to perform marriages. If this is not attached, please contact the Officiant and obtain a copy.

NOTE: Proof of authority documents issued by the Secretary of State for Temporary Officiants should *not* be sent to the Vital Records Office – they are for your records only and should be filed with other court orders.

If the couple had an out-of-state clergy member perform the ceremony, the Officiant should have obtained special authorization to perform the ceremony from the probate court in the district where the marriage took place. This court order may be filed with other court orders.

6. Name of Officiant – Item 16e

Officiant should have typed or printed his/her legal name.

7. Telephone Number of Officiant – Item 16f

Officiant should have entered his/her telephone number.

8. Address of Officiant Performing Ceremony – Item 16g

Officiant should have typed or printed his/her mailing address: building number and street name, city or town, state and zip code.

NOTE: The Officiant should be contacted for any missing information.

V. REGISTERING AND FILING THE CERTIFICATE OF CIVIL MARRIAGE

NOTE: If either party is a Safe at Home address confidentiality program participant, do not file the certificate; instead, sign and date 17a and 17b on the certificate and send it to the Vital Records Office for filing.

A. When the certificate has met the required qualifications for filing, complete the following:

1. Clerk's Signature – Item 17a

Sign the certificate to indicate your acceptance of the record for filing.

2. Date Received by Local Registrar – Item 17b

Enter the date the certificate was received in your office for filing.

3. The Application for Vermont License of Civil Marriage may be destroyed after the marriage is registered per 18 V.S.A. § 5131 (a)(2). However, the Vital Records Office suggests applications be kept on file for one (1) year in case the application needs to be referred to when making a marriage correction.

4. **Assign a Local File Number**

Number the original certificate consecutively, by the date you received it for filing in the upper left corner in the "Local File Number" space, never in "State File Number" space.

5. Prepare a photocopy of the certificate on **official white copy paper** (4 hole, 8½ by 8”), certify the copy by completing the true copy line (Items 18a-c), and send:

- a. One copy and the detached **Confidential** to the Vital Records Office as required. Attach the Confidential to the marriage certificate with *removable* tape or paperclips only.

NOTE: Town clerks shall **each week** transmit to the Vital Records Office copies of each marriage certificate filed in the town in the preceding week.

- b. One copy to the town clerk in the Vermont town of residence of Party A (Item 4b) and one copy to the town clerk in the Vermont town of residence of Party B (Items 10b) if applicable. Never send a residence copy to an out-of-state town.

6. As directed by 18 V.S.A. § 5012, you should prepare a general index entry for each party .

7. File the certificate consecutively by the date it was received for filing.

8. Make a volume index entry under each party’s last name.

B. Filing a residence copy of the Certificate of Civil Marriage:

1. Assign the residence copy a local file number consecutively by the date you received it for filing.

2. As directed by 18 V.S.A. § 5012, you should prepare a general index entry for each person. The Vital Records Office suggests that you prepare these entries based on Party A and Party B rather than groom and bride.

3. File the certificate consecutively by the date it was received for filing.

4. Make volume index entries by Party A (to Party B) and Party B (to Party A).

VI. CORRECTIONS WITHIN SIX MONTHS

Title 18, Section § 5150(a) of the Vermont Statutes Annotated gives town clerks the authority to make additions and/or corrections up to six months after the date of the marriage. You may refuse a request for correction at your discretion, in which case the applicant may petition the probate court in the district in which the marriage license was issued for a marriage certificate amendment. If a correction is requested by someone other than one of the applicants, **you should notify the applicants that a correction or completion has been requested to give them the opportunity to obtain an accurate copy of their marriage certificate.**

A. When you receive a correction request *within six months* of the date of marriage:

1. Correct or complete the **original** Certificate of Civil Marriage as indicated by the correction request. If applicable, draw a single line through the error. Do not remove the incorrect information using white out or correction tape; the erroneous information should still be legible. Whenever possible, use a typewriter to make corrections, including the strikethrough line through the erroneous information.
2. Type the corrected information above the lined-out information or as space allows for that item number. If the item was originally left blank, you may complete it in the appropriate place.
3. Add the following attest statement in the margin at the bottom of the certificate:
"Item(s) ___ corrected upon application of name and authority pursuant to 18 V.S.A. § 5150(a) on date. Attest: signature of clerk".
4. Prepare a photocopy of the certificate on **official white copy paper** (4 hole, 8½ by 8"), certify the copy by completing the true copy line (Items 18a-c), and send within 5 days to:
 - a. the Vital Records Office.
 - b. the town clerk in the (Vermont) town of residence of Party A (Item 4b) or Party B (Item 10b), if applicable.
5. Indicate the correction and/or additions on the original index card (or journal index entry) and make any necessary corrections in the Volume index.
6. Re-file the corrected certificate in its original place.
7. File the written request for the correction alphabetically, by Party A's last name, in your court decree file.

B. When you receive a residence copy of a marriage certificate corrected within 6 months:

1. Use the same local file number on the corrected residence certificate as you used on the original residence certificate.
2. Remove the original residence copy, note that it is "superseded by a corrected copy" and send to the Vital Records Office.
3. Make any necessary corrections and/or additions on the original index card (or journal index) and in the Volume index.
4. File the new corrected residence copy in place of the original residence copy received.

VII. AMENDMENTS MORE THAN SIX MONTHS FROM THE DATE OF MARRIAGE

When a person wishes to amend a civil marriage certificate more than six months after the date of marriage, or when a correction request is refused by the town clerk, they must apply to the probate court in the district where the marriage license was issued. The probate court, following a hearing, will issue a decree and send it to the Vital Records Office. Vital Records will then forward the court order directly to the clerk with a cover letter of instruction.

A. When you receive a court order to amend a certificate of civil marriage from the Vital Records Office:

1. On the **original** certificate, draw or type ONE line through the erroneous information, do not use white-out; the erroneous information should still be legible.
2. Type the correct information above the lined out erroneous information. If the item is left blank, insert the requested information in that blank space.
3. Type "COURT AMENDED" above 'Department of Health' on the Certificate of Civil Marriage.
4. Add the following attest in the margin at the bottom of the certificate (please refer to the court by division/unit name):
"Item(s) ____ amended by order of name of court pursuant to 18 V.S.A. §5150(b) on date of decree. Attest: signature of clerk".
5. Prepare a photocopy of the certificate on **official white copy paper** (4 hole, 8½ by 8"), complete the true copy line (Items 18a-c). Send a copy within 5 days to the:
 - a. Vital Records Office, and
 - b. The town clerk in the town of residence of Party A (Item 4b) or Party B (Item 10b), if applicable.
6. Indicate the amendment on the original index card (or journal index entry) and make any necessary corrections in the Volume index.
7. Re-file the amended certificate in its original place.
8. File the court order alphabetically in a file established for court decrees. (See General Instructions, page 1-10).

B. When you receive a residence copy of a "Court Amended" certificate of Civil Marriage:

1. Number the certificate according to the date you receive it for filing.
2. Type the following reference on the original residence certificate:
"See 'court amended' certificate on file in Volume ____ page ____."

3. Index the court amended certificate in the most recent book of marriages and reference on the index card (or journal index entry) the new location of the amended certificate.
4. File in current book of marriages.

VIII. DELAYED CERTIFICATE OF MARRIAGE

Occasionally, a couple will request a copy of their marriage certificate only to find that it is not on file in the town where they thought it was filed.

A. If you receive a request for a marriage certificate that is not on file in your office.

Call the Vital Records Office if the date of marriage is within the last five years or call the Vermont State Archives and Records Administration (VSARA) if the marriage took place over five years ago, to see if a civil marriage certificate was filed with the State. You may also wish to contact the residence town, if applicable, to see if a residence town copy of the certificate can be located. If you are still unable to locate the marriage certificate:

1. The couple should contact the Officiant to see if he/she has the signed document.
2. If the town clerk has the civil marriage application form, the couple may take this to probate court in the district where the original license was issued and present as evidence to obtain a delayed certificate of marriage.

B. A couple married in Vermont for whom no certificate of marriage was filed may petition the probate division of the superior court to have a delayed certificate of marriage established.

The couple should contact the probate court in the district where the license was issued, or intended to be issued, to petition to establish a Delayed Certificate of Marriage. The couple may wish to contact the court clerk in advance to find out what documents will be acceptable for evidence.

C. Filing a delayed certificate of marriage:

The probate court will send an order to establish a Delayed Certificate of Marriage to the Vital Records Office. The Delayed Certificate of Marriage will be prepared by the Vital Records Office and forwarded to the town clerk in the town where the original license was issued, or intended to be issued, along with a copy of the court order and a letter of instruction.

D. When you receive a delayed certificate of marriage from the Vital Records Office:

1. Assign a local file number with the next consecutive number for marriages filed in your office for the current year.
2. Sign the certificate in Item 18a to indicate your acceptance of the certificate for filing. Date the certificate in Item 18b with the date received in your office.
3. Prepare a photocopy of the Delayed Certificate of Marriage on **official white copy**

paper (4 hole, 8 ½ x 8”), complete the true copy line (Items 19a-c). Send a copy within 5 days to the:

- a. Vital Records Office, and
 - b. the town clerk in the town of residence of Party A (Item 4b) and the town clerk in the town of residence of Party B (Item 10b), if applicable.
4. As directed by 18 V.S.A. § 5012, you should prepare a general index entry for each applicant.
5. File the delayed certificate in the current volume of marriages.
6. Make volume index entries by Party A (to Party B) and Party B (to Party A) in the current volume of marriages and also in the volume of marriages that occurred at the same time as this one.
7. File the court order alphabetically in a file established for court decrees.

E. When you receive a residence copy of a delayed certificate of marriage:

1. Assign the residence copy a local file number consecutively by the day you received it for filing.
2. As directed by 18 V.S.A. § 5012, you should prepare a general index entry for each applicant.
3. File the delayed certificate in the current volume consecutively by the date it was received for filing. Make volume index entries by Party A (to Party B) and Party B (to Party A) in the current volume of marriages and in the volume of marriages that occurred at the same time as this one.