

Office of the Attorney General
Commonwealth of Kentucky

OAG 78-303
May 8, 1978

Mr. Frank R. Johnson
Legal Aide
Resident Legal Service
Frankfort Career Development Center
P.O. Box 716
Frankfort, Kentucky 40602

Dear Mr. Johnson:

Questions have arisen regarding the acceptability and validity of certain ministerial credentials issued by the Universal Life Church, which has its headquarters in California. These questions particularly pertain to the legality of ministers ordained by this church organization in the performing of marriages.

Your question is really whether or not ordained ministers of the Universal Life Church can validly perform marriages in Kentucky.

Under KRS 402.060, the applicant for a license to solemnize marriages in Kentucky must:

1. be a resident of the particular Kentucky county in which the application is filed;
2. satisfy the county judge/executive that he is a person of good moral character;
3. be in regular communion with his religious society;
4. make bond, with good surety, that he will not violate the Kentucky marriage law.

It must be understood that KRS 402.060 assumes that an applicant is a minister or a priest, as covered in KRS 402.050. Under KRS 402.050(1)(a), (b), §© a marriage in Kentucky can be solemnized only by certain officials or ministers and priests. One of the qualifying categories relates to ministers of the gospel or priests of any denomination in regular communion with any religious society.

The question now arises as to what is a "religious society". We have dealt with that question in detail in OAG 76-603, a copy of which is enclosed. KRS 402.050 and 402.060 are so broad that in our opinion if the group in question is organized and maintained for the support of public worship of God and the applicant is recognized as a minister of such group and the minister is actively engaged in such ministry, he would qualify as a minister of a religious society. See also OAG 74-673, copy enclosed, dealing with the phrase "minister of the gospel". An ordained minister is one specially and ceremonially ordained by

a church with the laying on of hands, investing the recipient with ministerial authority. See Webster's 7th New Collegiate Dictionary under "ordain", p. 593. There is nothing in KRS 402.050 suggesting that a minister must be ordained. The statute establishes no criterion as to the meaning of the phrase "minister of the gospel." Thus in each case we must look to the particular church group with which the applicant is affiliated. In other words the matter of who is a minister of the religious society is left wholly to the recognition of the particular denomination or organization. The point is that these two statutes are not narrowly restricted to just the usual and historically established denominations or religious societies. A "religious society" in Kentucky is a broad term and includes any group organized and maintained for the support of public worship of God. The recognition of a minister can take the form of ordination or license or any other form which expresses clearly the fact that the religious group recognizes the person or looks to the person as a minister of that specific group.

It must be understood that this office never undertakes to pass on the validity of specific marriages. However, it is the proper rule of our office to interpret the statutes in connection with who can validly perform marriages in Kentucky. We said in OAG 77-326, copy enclosed, that the ritual or ordainment is not a statutory prerequisite. The essential element is that the applicant must be a minister of the gospel or priest of any denomination in regular communion with any religious society.

Sincerely,

Robert F. Stephens

Attorney General

By: Charles W. Runyan

Assistant Deputy Attorney General

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