

## Planning My Geeky-Queer Wedding: The Ceremony



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Marriage is a time of celebrating the love and commitment of two individuals; a promise made in front of friends and family to spend a lifetime together. For some, it is also a matter of religion. If you strip all the window dressing away, at its very base, marriage is a civil legal contract between two individuals.

Because, in both Canada and the USA, marriage is, at its roots, a legal contract, I've come across a lot of people who just assume that the *hows* involved in marriage would be similar. The reality is that the legal and religious systems regarding marriage are vastly different between Canada and the United States, in some very important ways.

In this latest geeky-queer wedding post, we will explore the ceremony, including vows and legalities; the type of ceremony we will be having; and the process of going through a legal name change, and the reasons behind that need.

In Canada, it really doesn't matter in what province, or territory, two individuals are wanting to marry, the laws are pretty much identical. This could probably be attributed to the fact that, in Canada, marriage is defined on a federal level.

In the United States, marriage is defined by the state. Because of this, and the fact there are 50 states, it is very difficult to use generalizations when talking about exactly what is required to make a marriage legal, and who is legally allowed to perform a marriage ceremony. I believe one of the few exceptions to

this rule is when it comes to the rights of religious officials and their capacity to perform wedding ceremonies. It is also in the area of religion that there is a major difference between Canada and the United States.

In an attempt to keep things simple, with the exception of talking about the legal definition of marriage, I will talk about the regulations in British Columbia — where we are getting married — with a few broad generalizations about Canada, compared to the regulations in Virginia — the state in which Andrew grew up. Despite attempting to keep things simple, it will still require a bit of time to explain them.

### **The Definition of Marriage and Who Can Marry**

In Canada, [under the Constitution Act, 1867](#), the federal government shall define marriage and divorce, while it is up to the provincial and territorial governments to implement the solemnization of marriage. So, the federal government says who can get married, and provinces and territories make the rules regarding the hows.

In 2005, the [Civil Marriage Act](#) redefined marriage to include same-sex marriage, while also protecting religious freedom by specifying that religious officials were under no legal obligation to perform same-sex marriages if it goes against their religious beliefs. However, all civil officials who have been given the power to perform marriages in their respective provinces or territories must perform same-sex marriages.

Because of how our marriage laws work, it doesn't matter where you live in Canada, your marriage is valid.

That is, of course, if both people were of legal age at the time of marriage. In British Columbia, if you are between the ages of 16 and 19, you must have the consent of both parents, or legal guardian, to marry. In other provinces and territories, parental / legal guardian consent is needed if either party is between the ages of 16 and 18. If you are under the age of 16, you must get court approval to marry.

Also, neither partner can be legally married to someone else at the time. If the parties have been recently divorced, they must be divorced for at least 31 days before they are free to remarry. Unlike other provinces that require proof of divorce no matter how long it has been since the divorce took place, in British Columbia, it is only required if it was recent.

Compared to the United States, marriage is both defined by each state and implemented by each state. Additionally, states are under no legal obligation to recognize same-sex marriages that are legal in other states.

In Virginia, marriage is only legal if it is between a man and a woman. Virginia [marriage law also states](#):

A marriage between persons of the same sex is prohibited. Any marriage entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created by such marriage shall be void and unenforceable.

This is just one of many reasons why we are choosing to not only marry in Canada, but why Andrew is moving to Canada. If, for some reason, I do decide to undergo sex-reassignment surgery, our marriage would no longer be valid. Even if I never have the surgery, on principle alone, because I am a gay man trapped in a female body, I could never get married in a state that would not recognize my marriage had I been born in the "correct" body.

The age requirement for marriage in Virginia is a 16 years of both parties. If either party is under the age of 18, then parental consent by only one parent or legal guardian is required. If the bride is pregnant and under the age of 16, or has been pregnant within the preceding nine months, then a marriage license can be issued with the consent of one parent or legal guardian.

Also, neither party can be legally married to someone else at the time. However, unlike British Columbia, there is no waiting period between being granted a divorce and the ability to remarry. If you have been divorced, you must bring proof of divorce before a marriage license can be issued.

### **Who Can Officiate a Wedding**

In British Columbia, there are only [two types of people who can legally officiate a wedding](#).

Civil ceremonies are performed by a marriage commissioner. Marriage commissioners are private citizens who have been appointed by the Chief Executive of the Vital Statistics Agency of British Columbia. This is true in most provinces and territories. There are only a couple of provinces that make use of a justice of the peace, or notary public.

Religious ceremonies can only be performed by a religious official who is registered with the Vital Statistics Agency. Under the [Marriage Act of British Columbia, they must be registered](#) in order to have the legal authority to perform marriages.

But even before you can be registered as a religious official, you must be authorized to solemnize marriage according to the rites and usages of the respective religion.

The Marriage Act further states the religious body of which you represent must be sufficiently well established; which is a whole other thing entirely.

To be considered an established religious body in British Columbia, the following criteria must be met:

1. The denomination must be functioning within the province for at least five years.
2. Alternatively, it must demonstrate that it has been functioning within Canada for at least five years, and have already been granted the right to solemnize marriage in another province.
3. The denomination must show its societies act certificate — religious establishments must follow the same rules as all non-profits, including have a board of directors, yearly income tax returns, audits, and more.
4. The denomination must submit five years' worth of board minutes. These minutes can either be provincial or from the parent body.
5. The denomination must submit its constitution and bylaws.
6. The denomination must submit a sample of the marriage ceremony to ensure that it includes the legally required vows.
7. It must submit a list of all the names of those it recognizes as religious representatives.
8. The ordination or appointment of each of the religious representatives.

These rules are basically the same in each province and territory.

The exception to the above rules for religions in British Columbia are [Doukhobors](#). The Marriage Act of British Columbia has specifically recognized them, and has created guidelines specific to their needs and way of life.

The reason for this is that even though everyone is free to practice whatever religion they choose, marriage is a matter of legal contracts, not religion. It does not matter that, for many people, religion does play some part.

If you were hoping to become a religious officiant over the Internet, and then perform marriages in Canada, you cannot do this. This does not mean you cannot have a non-recognized religious ceremony. You can. It just wouldn't be legal, but you can have it after getting married through a Marriage Commissioner.

In Virginia, [marriage officiants are authorized by the circuit court](#).

Civil ceremonies are performed by marriage commissioners, justices of the peace, and judges.

Becoming a religious officiant is much simpler in Virginia. All an ordained minister has to do is show proof of ordination. It is [a very simple form that has to be notarized](#). Because there doesn't seem to be any type of regulations in regards to what has to be done in order to establish a religion, and some of the differences between Canada and the United States regarding how separations of church and state work, I can only assume that anyone can establish a religion and get tax-exempt status, without meeting the same guidelines that other non-profits would have to meet.

It is as a result of these lack of guidelines, and that it appears anyone can call themselves a religious body, and therefor perform marriages, that it is difficult for me to see marriage as a civil legal contract in the United States, even though all marriages must be registered with the state. Maybe the rules governing religious ceremonies and what is required from an ordained individual before they can perform a legal ceremony are different in states that require specific things to be said during the wedding ceremony, and other stronger legal requirements.

Regardless, I find these differences fascinating. I had thought that there would be some sort of basic guidelines that must be met in order to have to ability to bind two people to a legal contract. I also think it is safe to bet that many Americans have assumed that any religious official can perform marriages in Canada.

### **The Vows**

For a marriage to be legal in British Columbia, the following two things must be said during the ceremony:

To the officiant and minimum two witnesses, both parties, in turn, declare, "I solemnly declare that I do not know of any lawful impediment why I, [insert full legal name], may not be joined in matrimony to [insert full legal name]."

To each other, both parties, in turn, declare, "I call on those present to witness that I, [insert full legal name], take [insert full legal name] to be my lawful wedded wife (or husband) (or spouse)."

Aside from the recognized marriage officiant and two witness, the marriage must be contracted in a public manner. Outside of these things, a religious ceremony can be whatever you and your religion official want it to be. A civil ceremony performed by a marriage commissioner uses a [government approved wedding ceremony](#).

In Virginia, there are no such legal requirements. In fact, you don't even need witnesses. The marriage is legal when whatever rites have been celebrated and the officiant has filled out the correct paperwork.

### **Miscellaneous Differences**

The remainder of the differences are somewhat superficial. These include where and how to obtain a marriage license, and for how long the licenses are valid. One of the few similarities is that there is no waiting period after obtaining a marriage license.

Something of somewhat interest are the laws about blood tests.

In Canada, blood tests are not required before getting married. And while there are currently only eight states that require them, and Virginia is not one of them, you will be advised to get them, regardless. I also found it interesting that some of the Virginia guidelines may vary by county.

Another thing of interest, that isn't really superficial, is that in British Columbia, we have common-law relationship laws.

As I wrote in [my post about the proposal and the rings, there really isn't a need to get married](#). Once you live with someone in a marriage-like relationship for one year, or have had a child together, whatever comes first, federal income tax laws require you file taxes as a common-law couple, which entitles you to the same tax benefits as married couples. In British Columbia, after living together for two years in a marriage-like relationship, or immediately upon having a child together, whichever comes first, you are [considered to be spouses and are entitled to the same benefits of legally married couples](#), including spousal support, the division of assets upon dissolution of the relationship, and equal debt liability. These recent changes have received a mixed reception.

Even under Canadian Immigration laws, you [do not need to be legally married in order to sponsor a spouse](#).

However, in [Virginia, there are no common-law relationships laws](#). In order to be considered a spouse, and to enjoy the benefits of marriage, you must be legally married.

### **Our Ceremony**

As I wrote in my [post about the wedding attire and the guests](#), we will be having a religious ceremony. Not only does the [United Church of Canada \(UCC\)](#) — it is the church in which I grew up — perform same-sex marriages, but they also [testified in favor of same-sex marriage when the federal government held public hearings on the topic](#).

Long before same-sex marriage was legal in Canada, the UCC decided to ordain openly gay ministers. They began this process of ordaining gay ministers in 1980, when the UCC first decided to [explore sex and sexuality, plus how it relates to marriage](#). Then, in 1988, the [UCC declared that all people, regardless of sexual orientation](#), can become members of the church and can become ordained ministers. The current [moderator of the UCC, Gary Paterson is openly gay](#).

Basically, for my entire life, I was taught by the largest Protestant church in Canada that being gay is not only okay, but it is part of the Divine's plan. Not only that, but being transgender was also something to be embraced, with the addition of being taught that the Divine is both male and female, and masculine and feminine; without sex and gender, all at the same time.

It would take a few years for the government of Canada to catch up to the UCC.

Compare this to Andrew's upbringing. He is an atheist. However, he grew up in the United Methodist Church (UMC). Their [official policy regarding homosexuals and same-sex marriage](#) is the opposite of how I was raised. They have even defrocked a minister for going against official policy and performing a same-sex union.

Even though there are UMC ministers who are personally okay with same-sex marriage — Andrew's dad being one of them — because of the official policy, I could never get married by one of their ministers, or worship in one of their churches.

Compare this with the UCC, the minister who will be performing our ceremony is well aware that I am a trans man. As a result, he will be performing the ceremony the same as he would any other two men, but include a talk on transgender issues and celebrating it as a reflection of the duality of the Divine. For the legal vows part of the ceremony, we will be using the "spouse" option.

For a little bit of clarification, there have been a number of Americans who, when I talk about the UCC, think it is like the [Unitarian Universalism \(UU\) religion](#). The only real similarity between the two is in regards to inclusiveness.

Sure, the UCC will ordain not only homosexuals, but also atheists, but they have to teach in accordance to specific guidelines. UCC ministers have to teach that, even though the UCC views all religions as equal, that for member of the UCC, they find the Divine through the teachings of Jesus Christ.

Compare to the UU, which doesn't have any official doctrine or creed. Also, they aren't exactly a Christian church, as their approach to religion is a quite pluralistic.

### **Legal Name Change Prior to the Ceremony**

It is in this area that I wish British Columbia marriage laws were somewhat different. Because legal names must be used during the ceremony in order for the marriage to be legal, I need to legally change my first name to Jules before we get married. I will not be able to go through the ceremony if I have to be called Julia. That person does not exist.

For an adult, getting a [legal name change is relatively easy in British Columbia](#). It only takes a couple of weeks for the paperwork to go through, once the criminal record check and finger printing is complete. I also have to surrender my original birth certificate, as those birth records will be destroyed and Julia Christine Sherrred will no longer legally exist. Then, I will get a new birth certificate with my new name. I do not have to put a notification in the newspaper before doing it.

The problem, while I know what my first name will be changed to, I have no idea what I am going to do with my second name. A second name is not legally required, but because of personal beliefs around these things, I feel one is required.

I don't hate my middle name. It rarely is used, except for when having to fill out government forms. I had thought about changing it to Christian, as I want to keep the same initials and want to keep my name gender-neutral. But, for a number of reasons, I'm really not sure that Christian is the proper fit.

People have suggested naming myself after a hero or favorite television character, but I have personal issues with names that I don't consider to be real ones. And because this is my identity and it will be permanent, it has to be a real name. Plus, it has to sound nice when placed between "Jules" and "Sherrred."

Ignoring the letter C requirement, what are some of your favorite gender-neutral names?

I still haven't covered what happens with people's last names in Canada after they are married. That will be covered in a future post.

If you haven't already, I invite you to read the first four parts of this series: Planning My Geeky-Queer Wedding: Introduction; Planning My Geeky-Queer Wedding: The Proposal and the Rings; Planning My Geeky-Queer Wedding: The Outfits and Wedding Attire; and Planning My Geeky-Queer Wedding: The Wedding Party, Family, and Guests.

Still to come in my geeky-queer wedding planning series:

- The reception
- Last names and culture
- The location
- Gifts

If you would like to see a post about something not already mention, I want to know. Tell me, what has you curious? About what would you like to see me write? If you let me know, I will try my best to include it in a post.

Finally, what sort of wedding ceremony did you have? What are the legalities where you live?