

AUTHORIZATION TO PERFORM MARRIAGES

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

LONG TITLE

General Description:

This bill clarifies those who are authorized to solemnize a marriage may not delegate or deputize other persons to solemnize a marriage.

Highlighted Provisions:

This bill:

- ▶ prohibits persons authorized to solemnize a marriage from delegating or deputizing other persons to solemnize a marriage.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-6, as last amended by Chapter 2, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-1-6** is amended to read:

30-1-6. Who may solemnize marriages -- Certificate.

- (1) Marriages may be solemnized by the following persons only:
 - (a) ministers, rabbis, or priests of any religious denomination who are:
 - (i) in regular communion with any religious society; and
 - (ii) 18 years of age or older;
 - (b) Native American spiritual advisors;

- (c) the governor;
- (d) mayors of municipalities or county executives;
- (e) a justice, judge, or commissioner of a court of record;
- (f) a judge of a court not of record of the state;
- (g) judges or magistrates of the United States;
- (h) the county clerk of any county in the state, if the clerk chooses to solemnize

marriages;

- (i) the president of the Senate;
- (j) the speaker of the House of Representatives; or
- (k) a judge or magistrate who holds office in Utah when retired, under rules set by the

Supreme Court.

(2) A person authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

- (a) name of the county from which the license is issued; and
- (b) date of the license's issuance.

(3) As used in this section:

(a) "Judge or magistrate of the United States" means:

- (i) a justice of the United States Supreme Court;
- (ii) a judge of a court of appeals;
- (iii) a judge of a district court;

(iv) a judge of any court created by an act of Congress the judges of which are entitled to hold office during good behavior;

- (v) a judge of a bankruptcy court;
- (vi) a judge of a tax court; or
- (vii) a United States magistrate.

(b) (i) "Native American spiritual advisor" means a person who:

- (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service; or
- (II) provides religious counseling; and

(B) is recognized as a spiritual advisor by a federally recognized Native American tribe.

(ii) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

(4) Notwithstanding any other provision in law, no person authorized under Subsection (1) to solemnize a marriage may delegate or deputize another person to perform the function of solemnizing a marriage, except that only full-time employees of the office responsible for the issuance of marriage licenses may be deputized.