

Representative Jacob L. Anderegg proposes the following substitute bill:

MARRIAGE MODIFICATIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: _____

LONG TITLE

General Description:

This bill affirms a person's religious freedom to act within the confines of the person's religious beliefs.

Highlighted Provisions:

This bill:

- ▶ recognizes the fundamental right of religious liberty; and
- ▶ affirms that a person authorized to solemnize a marriage is not required to solemnize a marriage that violates the person's religious belief system.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

30-1-6, as last amended by Laws of Utah 2010, Chapter 132

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

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



26 **30-1-6. Who may solemnize marriages -- Certificate.**

27 (1) Marriages may be solemnized by the following persons only:

28 (a) ministers, rabbis, or priests of any religious denomination who are:

29 (i) in regular communion with any religious society; and

30 (ii) 18 years of age or older;

31 (b) Native American spiritual advisors;

32 (c) the governor;

33 (d) the lieutenant governor;

34 (e) mayors of municipalities or county executives;

35 (f) a justice, judge, or commissioner of a court of record;

36 (g) a judge of a court not of record of the state;

37 (h) judges or magistrates of the United States;

38 (i) the county clerk of any county in the state, if the clerk chooses to solemnize
39 marriages;

40 (j) the president of the Senate;

41 (k) the speaker of the House of Representatives; or

42 (l) a judge or magistrate who holds office in Utah when retired, under rules set by the
43 Supreme Court.

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

46 (a) name of the county from which the license is issued; and

47 (b) date of the license's issuance.

48 (3) As used in this section:

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

50 (i) a justice of the United States Supreme Court;

51 (ii) a judge of a court of appeals;

52 (iii) a judge of a district court;

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

55 (v) a judge of a bankruptcy court;

56 (vi) a judge of a tax court; or

57 (vii) a United States magistrate.

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

59 (A) (I) leads, instructs, or facilitates a Native American religious ceremony or service;

60 or

61 (II) provides religious counseling; and

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

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

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

70 (5) A person authorized under Subsection (1) to solemnize a marriage is not required
71 and may not be compelled to solemnize a marriage when doing so would violate the person's
72 sincerely held religious beliefs, tenets, doctrine, practices, or the person's fundamental right to
73 religious liberty.

74 Section 2. **Effective date.**

75 If approved by two-thirds of all the members elected to each house, this bill takes effect
76 upon approval by the governor, or the day following the constitutional time limit of Utah
77 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
78 the date of veto override.