

**Representative Jacob L. Anderegg** proposes the following substitute bill:

**MARRIAGE MODIFICATIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

Senate Sponsor: \_\_\_\_\_

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**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;
- ▶ affirms that a person authorized to solemnize a marriage is not required to solemnize a marriage that violates the person's religious belief system; and
- ▶ adds solemnizing marriages to the county clerk's list of duties.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**17-20-4**, as last amended by Laws of Utah 2001, Chapter 241

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

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

27 Section 1. Section **17-20-4** is amended to read:

28 **17-20-4. Duties of county clerk.**

29 A county clerk shall:

30 (1) issue all marriage licenses and keep a register of marriages as provided by law;

31 (2) solemnize any marriage, after issuance of a marriage license, if requested by the

32 parties;

33 [~~(2)~~] (3) execute under the clerk's seal and in the name of and for the county, all deeds

34 and conveyances of all real estate conveyed by the county;

35 (3) take and certify acknowledgments and administer oaths;

36 (4) keep a fee book as provided by law; and

37 (5) take charge of and safely keep the seal of the county, and keep other records and

38 perform other duties as may be prescribed by law.

39 Section 2. Section **30-1-6** is amended to read:

40 **30-1-6. Who may solemnize marriages -- Certificate.**

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

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

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

44 (ii) 18 years of age or older;

45 (b) Native American spiritual advisors;

46 (c) the governor;

47 (d) the lieutenant governor;

48 (e) mayors of municipalities or county executives;

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

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

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

52 (i) the county clerk of any county in the state~~[, if the clerk chooses to solemnize~~

53 ~~marriages]~~;

54 (j) the president of the Senate;

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

56 (l) a judge or magistrate who holds office in Utah when retired, under rules set by the

57 Supreme Court.

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

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

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

62 (3) As used in this section:

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

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

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

66 (iii) a judge of a district court;

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

69 (v) a judge of a bankruptcy court;

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

71 (vii) a United States magistrate.

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

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

74 or

75 (II) provides religious counseling; and

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

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

80 (4) Notwithstanding any other provision in law, [~~no person~~] persons authorized under  
81 Subsection (1) to solemnize a marriage may not delegate or deputize another person to perform  
82 the function of solemnizing a marriage, except that [~~only~~] employees of the office responsible  
83 for the issuance of marriage licenses may be deputized.

84 (5) A person authorized under Subsection (1) to solemnize a marriage is not required  
85 and may not be compelled to solemnize a marriage when doing so would violate the person's  
86 sincerely held religious beliefs, tenets, doctrine, practices, or the person's fundamental right to  
87 religious liberty. This subsection does not apply to the office responsible for the issuance of

88 marriage licenses.

89           Section 3. **Effective date.**

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